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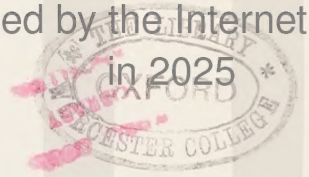


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# CHARLES BULLER

AND

# RESPONSIBLE GOVERNMENT

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# CHARLES BULLER

AND

# RESPONSIBLE GOVERNMENT

BY

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# PREFACE

I CANNOT claim that this book meets any conspicuous need, nor that it is the result of very profound research; it tries merely to fill a small gap. Most of the important documents of the revolution in British Colonial policy between 1830 and 1850 are accessible in Sir Charles Lucas's edition of *Lord Durham's Report*, Professor Keith's *British Colonial Policy*, Wakefield's *Art of Colonization*, and Professor Kennedy's *Documents of the Canadian Constitution*. There are lives of Durham, Molesworth, and Wakefield, but so far there has been no sketch of Buller more detailed than that in the *Dictionary of National Biography*. Buller's *Responsible Government for Colonies* here reprinted is valuable as an unofficial appendix to Durham's Report: it and Wakefield's article on Metcalfe's policy in Canada take us some distance into the minds of the colonial reformers, but neither has been available for students remote from the greater libraries. To reprint them may be a slight service to students of colonial history.

I have included a sketch of Buller's life which has become longer than I intended, for in studying him I found much to admire and nothing to dislike. But I have not been able to find any private letters,

and have based my narrative—with the exception of two anecdotes that I owe to the kindness of Mr. St. Loe Strachey—entirely on printed authorities. I have also inserted, as the fourth chapter in a lengthy introduction, a short essay on what Buller and his colleagues meant by Responsible Government—as the reformers conceived it to be, not as it in fact became. Many books explain the present constitution of the British Commonwealth, many more trace its development, but Durham's theory is seldom explained in the light of his own times, as it must have appealed to Durham. This chapter assumes a reader's acquaintance with the main points of the Durham Report.

I have kept the foot-notes to a minimum, inserting references chiefly on controversial points, or when explanation seemed advisable. I am indebted to Mr. H. E. Egerton and to Mr. C. R. L. Fletcher for their criticism.

E. M. WRONG.

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## *RESPONSIBLE GOVERNMENT FOR COLONIES*

By Charles Buller, 1840


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*SIR CHARLES METCALFE IN CANADA*

By E. G. Wakefield

(from Fisher's *Colonial Magazine*, July 1844)

171–352

# I

## BEFORE THE DURHAM MISSION

To Charles Buller, a Cornishman in the service of the East India Company, who had married Barbara Isabella, a daughter of General William Fitzpatrick, there was born in Calcutta, on 6th August 1806, an eldest son. The boy was christened Charles after his father. He died in the prime of life on 29th November 1848, having sat in Parliament for nearly nineteen of his forty-two years, and he left behind him a reputation much greater than his realized achievements seem to justify. To-day he is chiefly remembered as the friend and pupil of Thomas Carlyle, as Lord Durham's principal secretary in Canada, or as the coiner of occasional epigrams. But he had a not unimportant life of his own apart from tutor or patron, and his name, together with something of his character, flits through many reminiscences and memoirs of the period. Some men distrusted his Radical views, most of which could to-day be advocated in the Primrose League, a few censured his flippancy, but nearly all who knew him liked, and many loved him; he was a politician without enemies, a wit who seldom hurt.

In 1811 he was sent to England; the ship put in at St. Helena, where Charles had a severe fall on a

stone floor. His appearance never fully recovered from a consequent broken nose, nor his strength from a damaged leg. His parents remained in India; relations brought him up and sent him to Harrow, where he made some progress in classical study and became passionately fond of boxing, but achieved no particular distinction save possibly as a breaker of rules. The *Dictionary of National Biography* tactfully says, 'his playful disposition ill accorded with the restraints of school life, and his future course might have been jeopardized had he not been removed at the close of 1821'. Shortly before then Mr. and Mrs. Buller finally returned from India, and had to decide what should be done with a clever unruly boy of fifteen until he reached university age.

They decided oddly but well. Edward Irving's mystical preaching had become a craze and won the reverential admiration of Mrs. Edward Strachey, a younger and more saintly sister of Mrs. Buller. Mrs. Strachey took Mrs. Buller to hear Irving at the Hatton Garden Chapel, and Mrs. Buller was sufficiently impressed to call on Irving next day and ask advice not about her soul but about Charles. He recommended classes at Edinburgh University and private tuition with Carlyle. Charles and his younger brother Arthur were promptly packed off in January 1822 to Edinburgh, whither six months later their parents followed with Reginald, the third and youngest son. From July 1822 till May 1823 the family lived in Edinburgh, and then moved to

Kinnaird House, Perthshire. Froude's perversions of Carlyle's life have led to exhaustive publication of letters, which reveal the Bullers in some detail, though in a way variable as the tutor's digestion. At first he admired them whole-heartedly, with the possible exception of the child Reginald, whom he styled years later 'a lazy, hebetated fellow'. In July 1822 Mrs. Buller was 'one of the most fascinating refined women I have ever seen'; she could talk, she had literary tastes, and (this should have appealed to Carlyle) was a worshipper of Napoleon, had gone on pilgrimage to his grave and was brave enough to call him in Croker's presence the greatest of men. In December 1822 her husband was 'a great favourite with me; a downright, true, unaffected, honest Englishman as I would wish to see'. But an autumn and winter in the Scots countryside made Carlyle fret against captivity; he was falling ever more deeply in love, his dyspepsia grew worse and he thought meanly of Mrs. Buller's housekeeping. It soon was 'Mrs. Buller has the secret of spending seven or eight thousand a year with a *minimum* of comfort. If I were in Buller's place, I would swallow ratsbane!' She was in fact rather indolent, at heart something of a Bohemian with a fondness for constant change of scene, and perhaps wittier than at that time Carlyle thought seemly in a woman. As she was the dominant member of the family Carlyle's feeling for her husband changed from admiration to pity; in later years he could dismiss him as 'practical and hard-

headed; a Benthamite in theory, in theology negative and contemptuous'—a rather unkind summary, not borne out by the earlier letters.

Experience took the bloom from Carlyle's admiration for the parent Bullers, but not from an instantaneous attraction to his elder pupil, ten years his junior. Arthur he liked; for Charles he felt something like love. Within a fortnight of the first meeting he wrote that he had brought him 'I hope permanently, but cannot affirm—to a more rational style of feeling'. He seems to have captured Charles's heart, and Charles in turn his. 'He was the best company I could find in Edinburgh,' 'so all-intelligent, seizing everything you said to him with such a recognition, so loyal-hearted, chivalrous, guileless; so delighted (evidently) with me, as I was with him.' These are reminiscences after Buller's death, but the letters of the time are nearly as warm. His pupils were 'quite another sort of boys than I have been used to', 'very brave-hearted fellows—particularly the elder', who had 'the keenest sense for everything from the sublime to the ridiculous' and was 'full of every ingenuity and fun', 'one of the cleverest boys I have ever seen'. For Carlyle to think well of Charles's ability was only natural, since he found his pupil definitely his superior in Greek, quite his equal in Latin, and had in consequence to brush up his classics of an evening. From Carlyle Charles learnt some history, modern languages, a little mathematics and a hatred of shams—though not Carlyle's strained verbiage in denuncia-

tion. Carlyle learnt something in turn: that jest might cover serious thought, that amiability was no vice, that good manners did not prove weakness of character; conclusions not too easily reached on a Scottish farm.

The tutorial arrangement lasted in all two and a half years. In January 1824 the parent Bullers fled southwards, the boys followed next month, and Carlyle took three months' holiday before rejoining the family in London. The intention had been to go forthwith to Cornwall and settle at Looe. But in June Carlyle found all undecided, Boulogne suggested instead of Cornwall, and Mrs. Buller changing her mind from week to week. Charles and he were deposited in lodgings at Kew, where they found work impossible; after a fortnight they protested and Carlyle, anxious to break away, advised sending Charles forthwith to Cambridge. This was agreed to, though Charles was 'in a passion of sadness and anger' at the parting, and in July Carlyle's only engagement as private tutor ended. Charles entered Trinity College as a pensioner (or, as Oxford would call it, a commoner) in the autumn.

At Cambridge Buller attained no academic distinction, but lived as a young man of fashion destined to enter politics rather than as a serious student. He became one of the 'Conversazione Society' of Trinity, nicknamed from its twelve members 'The Apostles', and made friends with most of the able men in residence—Bulwer, Spedding, Maurice, Monckton Milnes, and Stirling. He was a

leading speaker on the Radical side at the Union. One Vyvyan was there mentioned contemptuously, and he replied, 'What! a man of no worth? Why, he spells his name with two y's.' He took a pass degree in January 1828. Then he moved to London, read some law, and entered politics. John Buller of Morval, Charles's uncle and head of the family, owned some Cornish seats, and for one, West Looe, Charles Buller senior had been returned in 1826. Early in 1830 he took the Chiltern Hundreds and in February his son succeeded him in Parliament. The next year, in June, Charles was called to the bar as a member of Lincoln's Inn, but for eight years had, and sought, no practice; politics, journalism, and society gave him enough to do. He did, it is true, receive a brief from Sir William Molesworth in a political case in 1835, but his client robbed him of an appearance in court by dying before the trial.

Buller's opinions, as was then almost inevitable for a young man of Radical temper, had swung to Benthamism. This alarmed his devout aunt, Mrs. Strachey, though his own parents were unperturbed—indeed shared his views—and she moved Carlyle to expostulate with an agnostic and (what he thought worse) a utilitarian. Buller replied, 'I have adopted utilitarianism because I think it affords the best explanation of men's opinions on morals'; it had 'done no little good in shaming the world out of some of its worst theories of right and wrong'. As for religion, 'I have not yet found that faith which I could believe, and none among the

creeds of this world that I would *wish* to be true'. The utilitarianism changed with time; in 1844 Buller told Henry Cole that he had grown out of his early views and added what Cole thought paradoxical but many now might hail as obvious, 'the Benthamites had very good hearts but wanted intellect'. But what Carlyle termed 'blankness in religion' seems to have remained; all his life Buller was ready to fight clericalism, but not in the interests of any creed: he was untouched by the movements that sprang from Clapham and Oxford.

In the Commons he joined forces with the small group of Radicals who wanted parliamentary reform, but more as the necessary prelude to drastic revision of institutions than as an end in itself: a group that swelled after 1832 till it alarmed Whig managers and then dwindled nearly as fast as it had grown. Eighteen months of debate and agitation between the formation of Grey's government and the final passage of the Bill tried their patience high. Buller distrusted the Whigs, who were, he told Sir William Molesworth, 'a heartless, spiritless canaille'. In February 1831, before the Bill was introduced, he wrote a pamphlet 'On the necessity for a Radical Reform'. He argued that real reform would constitute a necessary revolution, justifiable like those in Europe the previous year, and that a revolution must be speedy and thorough if disaster were not to follow. 'I do not want change for the sake of change'; 'I certainly am not for universal suffrage' (though that, he claimed, was the ultimate ideal);

'I utterly reject the principle of making property the basis of representation.' But a property qualification was the best possible test of a man's power to educate himself, and was thus defensible: the franchise should be given to all eligible to serve on a jury. Plural voting should be abolished; there ought to be no distinction between boroughs and counties; representation should be allotted by population, and, wherever possible, constituencies should be single. Voting must be by ballot and the duration of parliament made less than seven years. 'The greater part of your moderate people mean, by a moderate change, nothing but an incomplete one' —a characteristic fling at the worshippers of compromise. When the Reform Bill was introduced next month many thought it daringly drastic; to Buller it was a half-hearted measure. All his views and more have since become law, but the change has taken ninety years instead of one.

That he was genuinely impatient for reform some private letters show. From Liskeard, where he was arranging for a seat to replace his vanishing pocket borough, Buller wrote to Carlyle in September 1831, with an aspiration that ought to have pleased the recipient, 'I do believe with you that the end of this world of Insipids is coming. . . . I trust that all good men and true will unite against the fools, and take at least 30,000 of them into the valley of salt and slay them.' Sir William Napier won his praise by advocating a national guard—'In this age of eunuchs it is delightful to look up to one respectable

man of undoubted virility.' Young men in the thirties did not keep all their denunciation for the platform: had they not genuinely felt they would not have spoken so in private. Buller saw everywhere abuses bolstered mainly by stupidity; his chief enemy was Tory ecclesiasticism, rooted in privilege and seeking salvation for Church and State in the wholesale rejection of Christ's teaching. Later he tried to laugh bigotry down, but in these salad days intolerance provoked intolerance. Sir Robert Inglis, whom Oxford had recently preferred to Peel, was the chief parliamentary mouthpiece of Anglican reaction, defender of all abuses in which the Church could claim an interest and of several others that were hardly ecclesiastical. His and Buller's names figure together in *Hansard* year after year in the proximity of diametrically opposed ideals. Inglis himself felt little bitterness, and could speak courteously of and to his opponents; Buller realized this and was more civil to his adversaries than to their causes; he avoided personal denunciations. But he was an Erastian believer in cold reason, and church claims to monopoly provoked his most pungent sallies both public and private. In conversation he regretted that the Prayer Book did not contain after the Apostles' Creed 'as is by statute appointed and provided'. Once when a zealot burst out 'this country will soon have to choose between compulsory religion and no religion at all', he replied incisively, 'I cannot understand these fine distinctions'. 'Destroy the Church of England! You

must be mad—it is the only thing between us and real religion', is another of his remarks that has a deeper meaning than at first appears. But though he felt the world obstructed by crumbling institutions that would not admit their futility and submit to reform or extinction, he never lost his temper in Parliament, and was ready to admit that his opponents were better than their views.

His friends had anticipated swift parliamentary success but were rather disappointed. Like many who quickly gain the ear of the House he began shakily, and six prepared speeches went into the waste-paper basket. His mother was worried and inquired if he ought to take opium or some other sedative to quiet his nerves. Her anxiety was unnecessary, for Charles broke silence by a motion within a month of his entering the House, and a few days later made a formal maiden speech—typically enough for one whose chief efforts were always devoted to causes without great popular appeal, on the currency. But he failed to achieve the immediate success won by Macaulay, whose political life had begun in the same month, and some of his friends thought him idle. In fact he was not well. By 1831 he had become, as Carlyle wrote (chronicling what his wife called 'a pleasant forenoon call of seven hours and a half'), 'a great tower of a fellow, six feet three in height, a yard in breadth', but this notable physique was something of a sham. Buller was always liable to a breakdown after prolonged mental activity; the late hours of the Reform Bill

debates tried him hard, and in 1832 and 1833 his lungs threatened disaster. Even so he managed in those years to produce for the *Foreign Quarterly Review* three rather lengthy articles, two of which, on Mirabeau and France since 1814, show a good deal of work and plenty of sense.

In 1833 he grew stronger, and began to make his way in Parliament; *Hansard* shows the process. His chief concern at first was with the election petitions, then more numerous than now, and decided by committees of the Commons that often gave judgement rather on party feeling than on evidence. By 1837 he was an expert on defects in the procedure, had sat as Chairman of a Committee on the question and drafted a reform. His scheme was to reduce the committees in size from eleven to five members, and place in the chair of each a salaried lawyer, not a member of the House. But the Commons were still prickly about privilege, and the plan dropped; a part of it only was incorporated in Peel's reform of 1840. It is of some interest as it shows Buller's attention to the details of government structure, and his readiness to work for a change that appealed to neither party; qualities exhibited still more decisively in his colonial activity.

He was never a man of one cause only, and devoted a good deal of effort to general advocacy of Radical principles. He fought compulsory Sabbatarianism on the ground that it meant legislation by the unaffected rich for the deeply concerned poor. He took part during 1835 in Municipal Reform com-

mittees. On one of Grote's regular motions for the ballot he criticized the Reform Bill as inadequate; its effect, he said with some truth, had been 'to extend and consolidate the influence of property', and voters were intimidated as much as they had been before 1832. Later in the same session he advocated a reduction in the newspaper tax, and supported a bill to allow prisoners full use of legal counsel. He took a minor part in the Radical assault on the 'execrable conspiracy' of Orange Lodges; they were accused of working in the Duke of Cumberland's interests and certainly were administering undesirable, if not illegal, oaths to members of the forces. In 1837 he attacked the property qualification for members of parliament—which was to common knowledge evaded right and left—and suggested that the House of Lords would be better without bishops. His anti-ecclesiastical views were voiced again on 23rd May, when in an epigrammatic and witty speech on Church rates he denounced most of the sixty-seven City of London churches as unnecessary for a population of 56,000. He opposed building any new churches with State funds, and suggested that a raid on bishops and deans could raise the stipends of the poorer clergy.

In these things he was chiefly a follower of others, but in 1836 he had taken the lead in a small though valuable movement. The state of the records was his theme, and now that some legislative arrears had been wiped out there was time for such a non-party business. Henry Cole, a young official in the records,

had met Buller at Mill's rooms in 1830. The Record Commission, Cole's employer, had over twenty members, most of whom were useless, some £10,000 a year to spend, a part-time inefficient secretary, and quantities of mouldering archives. When the Houses of Parliament were burnt down on 16th October 1834, new provision for the records became urgent, but Cole and the secretary fell out, Cole vainly memorialized the Commission and finally appealed to Buller. On 18th February 1836 Buller moved for a select committee on the records: his speech indicted the existing immobile Commission in a way that can still amuse a reader and that distinctly pleased the House. A committee was appointed with Buller as its chairman: it met thirty-six times during five months and examined seventy-nine witnesses; Buller attended every sitting. The dissolution caused by William IV's death stopped his introducing at once a Bill based on its investigations, and in 1838 the Durham mission took most of his time; meanwhile an act set up, on paper, a proper Record Office under the Master of the Rolls. There was a long deadlock over the best kind of building, for the Treasury tried to push records that were financially barren into parliamentary attics and the Victoria tower: Buller raised the question again, but Lord John Russell's ministry of 1846 to 1852 took the matter out of private hands and approved a suitable office.

Buller was rising fast in political importance, but the Radical party dwindled faster still. Of that

party he counted himself a member, though he was always less extreme than some of his associates and seemed to Greville little more than an errant Whig. But the Radicals had plenty of individual variation —more indeed than they had political unity—and Buller might in time have become one of the recognized leaders of their party had it lived and come to possess such leaders. Its disintegration began with its birth and was accelerated by the election of 1837, which removed Roebuck and one or two others from Parliament. Benthamite hopes had run high in 1832, looking for a swift purging of all abuses in the State, but the newly-enfranchised classes were property-holders, and many of them took fright at the industrial ferment that was throwing up trade unions and was soon to create chartism. Radical seats became precarious ; some individual members relapsed into, and slightly leavened, the Whig lump, and as early as 1836 Buller said to Grote, ' in no very long time from this you and I shall be left to tell Molesworth '. At the end of 1837 the parliamentary group still contained, as well as these three, Hume, Ward, Villiers, Bulwer, Leader, and Strutt, and could muster over a score of votes for a division, but it was only a remnant of what had hoped to become a formidable third party. The weaknesses of the Radicals were, besides their small number, that they had little experience in actual government, that they were not organized as a party, and that they had no accepted leader in the Commons. In virtue of his speeches at the Scottish reform banquets

of 1834 they looked to Lord Durham, in many ways an admirable administrative chief, but a poor parliamentary one. He was away in St. Petersburg from the summer of 1835 till spring in 1837, and in his absence the party was all lieutenants and no rank and file. Melbourne wanted their votes but offered them neither office nor legislation. The chief articles in their programme were the ballot, a wider suffrage, and free trade, especially in corn—points on which most Whigs and Tories united against them. They did not, perhaps could not, turn out Melbourne, whose majority was precarious, for to do so they would have had to support a Tory motion, and they knew that Peel would immediately take office. So what they achieved was chiefly by individual action on non-party questions, as when Molesworth, roused by the Dorsetshire Labourers' case to take up transportation, asked for a committee and carried a report which made the maintenance of the system impossible. In a few years the Radicals virtually ceased to exist as a group: in 1838 Villiers took charge in the Commons of the anti-corn law case, and gave it nearly all his energies; Hume remained an isolated knight-errant of blue books warring against all real or fancied injustice and every extravagance; first Buller and then Molesworth were absorbed in the left wing of an inchoate Liberal party; Bulwer finally went over to Disraeli and Grote abandoned politics. The turning point in Buller's life was his Canadian experience, which opened a breach that was never completely closed

between him on one side, Roebuck and Leader on the other.

Outside Parliament Buller's life was varied and pleasant. The Carlyles settled in Chelsea in June 1834 and found him a frequent visitor. Charles had enough influence with Carlyle to draw him to the only political meeting he ever saw—a gathering of two thousand at the London Tavern to protest against Peel's taking office. This was in November 1834; Buller stage-managed the meeting but was not its chief speaker. He moved in interesting circles, knew Harriet Martineau and the actor Macready (both of whom he supplied with franks), Thackeray, Dickens, most of the young political bloods, and all the chief utilitarians. From Macready he took lessons in voice production. He belonged to the London Debating Society and was a prop of the National Reform League. A short visit to Madeira in 1837 led to his meeting William Bingham Baring (who became Lord Ashburton in 1848), Buller's senior by a few years and a conservative member of parliament. Lady Harriet Baring, Bingham's wife, was a brilliant hostess and drew round herself a number of young politicians and men of letters. Her two most constant visitors came to be Buller and Monckton Milnes, who entered the Commons in 1837 as a conservative of rather independent views, and soon became Buller's closest friend. They were rival wits who planned elaborate jests for week-ends at the Grange (the Ashburton house in Hampshire), or for Milnes's breakfast-parties. This was character-

istic of Buller, who used to say ' all the speaking in the House of Commons is extempore and on the spur of the moment, except the impromptus, which are, of course, very carefully prepared '.[1] With Milnes Buller talked more freely and seriously than was his practice in promiscuous company and criticized what he called ' the high sense of personal honour, and the low feeling of public duty, which distinguishes our political men and the English aristocracy in general '.

Buller was a journalist as well as a man of fashion. He wrote leaders for the *Globe* ; Carlyle said of that paper in 1835 ' all that has any *fun* in it is by him '. With Molesworth and Henry Cole he set up in 1837 a threepenny weekly that dragged on a dwindling life for two years. When journalists were denounced in his presence as scoundrels he took particular pleasure in avowing himself one of them. As necessary to independence of speech and writing he practised diligently with a pistol, saying that a politician must be a fair shot else bullies might seek a quarrel ; a man known to be dangerous if called out was not the subject of wanton insult and challenge.[2] Perhaps it was this preparation that kept him immune, or possibly it was his manners ; at any rate he fought no duels. His writing was not all political ; he reviewed *Pickwick* for the *Westminster Review* with discrimination, praising the humour but dismissing the inset pathetic tales as generally complete failures. Carlyle was moved by

[1] For this remark I am indebted to Mr. J. St. Loe Strachey.

[2] Mr. J. St. Loe Strachey is my authority.

the article to read *Pickwick*; he condemned it as 'wash', and said 'I will henceforth call Buller not the worst critic in Britain, but a critic I will not be led by'.

Buller's name is now primarily associated with colonial questions, and his interest in them began early but was not predominant till he went to Canada with Durham. Possibly in 1833, at latest by the middle of 1834, he joined the Colonization Society which was the parent of South Australia and in some degree of New Zealand. Buller knew Edward Gibbon Wakefield, that plausible founder of new colonial theory, and these two pencilled on a map the boundaries Parliament should be asked to set for the new Australian colony. Together with Molesworth and Grote, Buller was a director of the South Australian Association of 1834, and in 1837 he joined the short-lived New Zealand Association, a progenitor of the Land Company that two years later forced a reluctant government to annex islands it wished to leave to Maori, missionary, and whaler. In the same year he sat on Molesworth's committee on transportation, and learned much of conditions in New South Wales and Van Diemen's Land. He corresponded with the Australian Patriotic Association, a body that desired to retain the economic advantages of transportation and at the same time to have representative government in New South Wales.[1] For it he drew up a scheme of government

[1] In 1838 the Colonial Office submitted a plan of constitution for New South Wales to Buller, and he returned an alternative, more democratic, scheme, drawn by himself and Macarthur, to Glenelg, the Secretary of State.

that included local institutions and an assembly debarred from altering Imperial Acts, from setting up customs duties, making treaties, or interfering with the Crown's control of ungranted lands: apart from these reservations it was to have wide powers. The reservations are interesting, for they are those set to responsible government by Durham only nine months later. From 1837 Buller was parliamentary agent for the Patriotic Association, though he did not like its defence of transportation, and steadily insisted that until the colony ceased to be a receptacle for British convicts, Parliament could not be expected to give it autonomy.

Buller's first real speech on Colonial topics was on 14th April 1837, when Lord John Russell's ten resolutions, threatening interference with the Lower Canadian Assembly's control over finance, were being considered for the second time. They had passed in March by overwhelming majorities against most of the Radical vote; Roebuck, the Assembly's agent in Britain, now reopened the question. He defended the Assembly and said that the only path to peace lay in destruction or alteration of the upper house or Legislative Council. Though Buller was better equipped for such a debate than most of his fellow members, he was clearly not yet a leader on colonial questions; he spoke tenth, and after fifty-nine columns of *Hansard* had already been produced, he contributed nothing new to the debate, and he voted in a minority of 46 against 269 Whigs and Tories who refused to alter their previous decision. Parlia-

mentary tactics led to the division being taken on the expediency of responsible government (which was denied by the majority) and not on the Legislative Council. But in fact the Radicals, and in the Lords Brougham, who was angling for their leadership, did not see beyond the Assembly's demand for an elected second chamber, and showed no realization that the key to deadlock was to be sought not there but in ministerial responsibility. Neither Buller's speech nor any other in the debate anticipated the doctrines of the *Durham Report*.

Buller was now of sufficient political stature for Ellice, in July 1837, to wish to bring him into the government. Melbourne refused emphatically to take a step that would give his ministry a more Radical character. A new session of a new parliament began in November, and Buller at once clashed with the Whig view, that the reform of 1832 must be treated as final. Lord John Russell pronounced against the ballot, triennial parliaments, and a wider suffrage—all of them Radical demands—and Buller headed a counter-attack. But it became apparent that the Tories would vote against the Government even though on the points at issue they shared its views, and the Radical opposition weakened for fear of bringing in Peel. Buller modified his attitude in the course of debate, leaving a score of his fellows, more Radical than he or less reasonable, to support an amendment to the Address. His retreat gave Disraeli material for a still-born maiden speech in which he referred to Russell and Buller as 'the noble

Tityrus of the Treasury Bench and the learned Daphne of Liskeard' having a fictitious quarrel as a prelude to new demonstrations of love: the House very properly laughed him down. Buller sought to rehabilitate his Radical character a little by an assault, in the interests of economy, on the offices of Master of the Buckhounds and Mistress of the Robes, while he avoided the imputation of a policy that was nothing but thrift by advocating Crown pensions for deserving workers in literature and science. But the barrier between him and the Whigs was clearly not very strong, and was growing weaker. Just before Parliament adjourned for Christmas came news of the Canadian rising—a small convulsion, but enough with its corollaries to change the whole tenor of colonial policy.

## II

## THE DURHAM MISSION

Trouble in the Canadas was of long standing and due to many causes, not merely to the innate wickedness of governors or governed. Lower Canada was the really serious problem, for there the friction, made inevitable by the antagonism between a cliquish bureaucracy and parliamentary institutions, was increased by racial bitterness. But in Upper Canada, too, there had been a small explosion partly provoked by the Lieutenant-Governor, Sir Francis Bond Head. He was opinionated, a better writer of boys' books than a governor; he lived in a world remote from reality and labelled views he disliked treasonable. He saved a British connexion that was not seriously threatened by driving a few extremists into a rebellion that tact could have prevented or precaution forestalled. This had one good result: it stopped the British Government from thinking that all was well save in Lower Canada, and so widened the scope of the inevitable inquiry. Melbourne decided to suspend the constitution of Lower Canada for three years and to send as High Commissioner and Governor-in-Chief Lord Durham, who should report on the whole situation in British North America. For the selection of Durham there were obvious

motives. He would probably fail in Canada, a graveyard of political reputations; this would weaken a possible rival to Melbourne more than it would hurt Melbourne himself. If Durham succeeded the ministry would share in the benefit. Thirdly, the Radicals, who by joining the Tories could eject the Government, must be expected to oppose any tampering with the constitution given to the Canadas in 1791, but if their own leader were placed at the head of the inquiry their votes would at worst be divided, while the absence of that leader for a year or more would remove a dangerous critic. Durham had in the previous August refused the post of Governor in Canada, but the wider scope offered by the crisis tempted him, and he accepted the task on 15th January 1838. Two days later Lord John Russell got leave from the House to introduce the necessary bill.

Parliament had met on the 16th, and on the first day of the renewed session Buller spoke briefly, in favour of giving Durham very wide powers. He was pleading for a leader, not for a friend, for he had only met Durham in the previous spring, and knew him very slightly; so far there had been no suggestion that Buller might go with the Mission. On the 18th Durham sketched in the Lords the principles that he would try to apply in Canada. A day or two later he sent for Buller, who readily understood that the summons meant an offer of office, took council with his family, and decided to refuse. Durham talked him round and Buller

accepted the post of Chief Secretary. He set himself to learn what he could of the Canadian problem, consulted Roebuck, for whom he arranged an interview with Durham, and sat for hours by Harriet Martineau's invalid bedside to hear what that remarkable if opinionated woman had learnt from her recent American tour. Meanwhile he continued his regular attendance in the Commons, and supported Grote's annual motion for the ballot in February. On 3rd April he told the House that he was going with Durham, and asked for generous treatment of his Chief, claiming that 'the confidence of all parties had been granted to that noble earl'. Ominous cries of 'No' were evidence that the opposition which was to destroy most apparent chance of success was already gathering, and Melbourne, a few days later, showed the kind of support his government could be expected to give by writing to Russell, 'this mission is the greatest scrape we have yet got into, and the greatest blunder we have committed'.

The truth is that the Durham Mission, both in its personnel and its ideas, did not conform with the views of either great party, and was certain the more it was thought about the more to rouse distrust. Durham himself was no orthodox Whig but the hope of the Radicals, only forty-six years old, and a possible prime minister should the country swing only a little to the left. His views and personality roused a curious dislike and even fear in political circles. Buller, his chief of staff, was to Carlyle and Mill

'the only Radical of the slightest genius'. Wakefield, who accompanied the Mission without official appointment (his abduction of an heiress twelve years earlier still shocked the public conscience of Britain), but who was none the less one of its dominant spirits, held Benthamite Radical opinions. The strongest support given to Durham in the English press was that of J. S. Mill, in Parliament that of Hawes, another Radical. The *Durham Report* controverted the Tory view that all colonial opposition to government had been factious and disloyal ; it opposed even more, in its recommendation of Responsible Government, the Whig theory of applied parliamentary sovereignty. A section of the Radicals led by Roebuck was exasperated by Durham's actions in Canada, and by his condemnation of French-Canadian nationalism, but the Tories were still worse exasperated by his attack on the clergy reserves and on the claims of the Church of England to a Canadian establishment. The *Report* was a Radical document, part of a Radical plan for imperial reform, put forward by men who belonged to the moderate wing of a small Radical group. The Mission was a success neither for Tory nor for Whig policy, but in reality the greatest Radical achievement between the Reform Bill and the repeal of the corn laws.

Mrs. Buller was alarmed by a mendacious rumour that the *Hastings* would sink from the quantity of Durham's plate in her hold, but the ship put out safely on 24th April 1838 for an uneventful voyage.

She carried (besides a private band) Durham's family and many of his staff. There was Turton, who had figured badly in a divorce case some fifteen years before, and whose appointment was consequently a shock to the queasy conscience of the House of Lords. Arthur Buller accompanied his brother in a junior position, and miscellaneous members of the staff made the whole party twenty-two, exclusive of the orchestra. During the voyage Durham, Turton, and Buller had long discussions on policy. Buller had been influenced by political association with Roebuck, and began by thinking the French-Canadian demands reasonable and only officialdom to blame: he was surprised to find that Durham suspected the Lower Canadian Assembly of a narrow and unprofitable racialism. The famous passage in the *Report*, 'I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races', expresses the views of Buller before and after contact with the problem more accurately than it does those of Durham. At first Buller was not fully convinced by his leader; till the end of the Mission he advocated generous treatment of the French and showed rather more sympathy with them than did any of his colleagues, but events made him agree entirely with Durham on constitutional points. He genuinely admired Durham: 'We get on very well with the Dictator,' he wrote from the mouth of the St. Lawrence; 'he has composed a very good proclama-

tion to throw off with, and I observe that he is very amenable to good advice.'

Quebec was reached on 27th May, and the party landed on the 29th. Durham's Executive Council of five—his three secretaries (political, legal, and military), the Commissary-General, and the provincial secretary—was promptly sworn in and his proclamation issued. Then began five months of intense and varied activity. The first difficulty, annoying because it had nothing to do with the real objects of the Mission, was how to dispose of the rebels in prison at Montreal. As all armed resistance had ceased months earlier, trial by court-martial was unjustifiable even if legal. But a civil jury, unless it were carefully packed, would certainly acquit whatever the evidence, for a prisoner could challenge jurors till he removed all save sympathizers. Yet Durham's instructions forbade a complete pardon to all; he could neither punish impartially nor condone. Buller concluded that the best course would be to inflict light but certain punishment by retrospective legislation, and talked Durham round to this view. In June Buller went to Montreal to get the prisoners to confess their guilt and to ask Durham for summary treatment, and after a little delay he received on the 25th a letter from them that he thought satisfactory. On 28th June, Victoria's coronation day, Durham issued a proclamation of general amnesty and an Ordinance banishing on pain of death eight prisoners and sixteen rebels who had fled abroad: the prisoners were to be confined in

Bermuda where they could not stir up border forays. But Bermuda lay beyond Durham's authority. On this and on the more questionable ground that it was an outrageous example of tyranny to threaten those banished with death should they return, Brougham attacked the Mission venomously in the House of Lords. Melbourne surrendered: the Ordinance, which had been ratified by a special Legislative Council of five (Buller its only civilian member), was disallowed as *ultra vires* on 9th August. This led to Durham's resignation and counter-proclamation, and his proclamation in turn to his recall in apparent disgrace. The first difficulty of the Mission proved also its last.

But for the present prospects seemed to brighten. When the prisoners had acknowledged their fault and departed for Bermuda, the Mission could turn more freely to its real business, a survey of government in British North America and suggestions for its reform. Throughout the inquiry Buller was Durham's chief lieutenant. On 18th June he had become head of a commission to report on Crown lands and emigration: the appointment was mainly a screen for Wakefield, who had made these subjects peculiarly his own, but Buller contributed something to the commission though his main activities were elsewhere. On 25th August he was made Chief Commissioner on municipal institutions: he negotiated an agreement with the Seminary of Saint-Sulpice for the extinction of that body's troublesome feudal rights over the island of Montreal. Such activities had to be squeezed in when possible, for

administrative work went on at a much faster pace than was usual, and every person with a grievance or an idea sought out Durham or his Chief Secretary. Neither of the two was physically strong, so the summer brought both near breaking-point.

On 4th July Durham and Buller went upstream to Montreal; on the 10th they left that town for the west. They went straight to Niagara, where Durham met Sir George Arthur, Lieutenant-Governor of Upper Canada, reviewed all the troops available, and gave a state ball. Durham then went to Toronto, but Buller was too ill to travel and stayed on at Niagara for some days, then he followed Durham back to Lower Canada. With Wakefield he interviewed some of the French-Canadian leaders, and tried hard to win one or more to support Durham, but without success. The Mission, strongly upheld by British opinion in Lower Canada and by most moderates in the other province, settled down in Quebec to regular administrative work and a study of Canadian conditions. A conference of lieutenant-governors met in August to discuss the federation of all British North America, and to argue the same subject a conference of provincial delegates was summoned for September. Durham had over-exerted himself and was intermittently ill, which left the direction of his policy a good deal in Buller's hands. Leisure hours were spent in riding or driving through the countryside with Durham, Lady Durham, and Tom Duncombe, a spendthrift Radical M.P., who was taking holiday in Canada. In the evenings Buller gave some ' magnetizing ' or hypnotic parties;

he was always fond of dabbling in mesmerism, but there is no evidence that he showed much proficiency in the art, and now, as later, he failed to convince his guests. It was a busy life but a pleasant one, for Quebec in the early autumn is as attractive a spot as man can wish for, and the Mission enjoyed these weeks of constant but unfrenzied activity while the Laurentian maples were turning to scarlet and gold.

But this peace and quiet activity was only an interlude between two times of stress. In September a jury, from which challenges had removed all English-Canadians, disregarded the evidence of eye-witnesses and acquitted the murderers of Chartrand, a loyalist French-Canadian. This was a final proof that the most to be expected from the French was sullen acquiescence ; Durham must stand by English support only. Then early in September Durham heard that his Ordinance of June had been rejected by the British Government after severe criticism in the Lords.[1] He felt his powers questioned, British

[1] The usual story, based on Buller's account of the Mission and on Duncombe's Journal, is that Durham got the news in the evening of 19th September from an American paper. Glenelg's official dispatch on the matter was written on 18th August, and did not reach Quebec till 26th September. But Glenelg had written privately on 14th August (Durham Papers in *Canadian Archives Report*, 1923, p. 42), and on 7th September Buller and Wakefield drafted a letter to Durham advising him not to resign because of Melbourne's desertion (*ibid.*, p. 188). That Durham would resign was known in Kingston on 16th September (*ibid.*, p. 188). Undoubtedly Durham knew what had happened in Parliament before the Maritime delegates on federation arrived at Quebec, on 12th September.

support withdrawn, his policy threatened. On the 22nd he dismissed the provincial delegates who had come to discuss a federal scheme, broke down in his farewell speech, and announced his resignation. Three days later, and the day before he had official news of Melbourne's desertion, he resigned; on 9th October he published a proclamation that appealed to Canada against the British Government. Contemporary English opinion held this unpardonable, but the Canadian situation made it justifiable and possibly expedient. A second French rebellion was brewing, the English had been shaken by the disallowance of the Ordinance and needed a tonic, the proclamation revived their hearts. Buller was responsible for a clause in it pointing out that, as the amnesty of June had been confirmed and the Ordinance punishing a few exceptions rejected, all exiles could return without penalty: this was the one part selected in England for special blame. Two things could be said in its defence: it was a bare statement of truth, and this result of disallowing the Ordinance had been mentioned in the Commons on 14th August. Some loyal minds could find treason in the repetition of acknowledged facts.

Durham sailed on the *Inconstant* on 1st November; the ship caught fire twice and was nearly overwhelmed by storms, but he disembarked at Plymouth on the 30th. Turton and the two Bullers remained longer in Canada to collect further information, for the Commissions on Crown lands, education, and municipal institutions had not yet reported. On 12th

November Buller was in Montreal ; the second rising had come and been already suppressed, and as the St. Lawrence was now closed for the winter he made his way to New York and sailed from there. The *Durham Report*, an attempt to pluck success from apparent failure, was composed in haste, almost certainly in England, and was sent already printed to the Government at the end of January 1839. Preparation, inquiry, report—all were crowded into a single year. When one considers the speed with which the Canadian problem was weighed amid a pressure of routine and emergency work that made generalization difficult, and the pungency with which the diagnosis was presented, the *Report* stands out as probably the greatest Blue-book of the century.

Historical gossip, for it is little more, often regards Buller as the chief author of that *Report*. Brougham spread and possibly originated this story. On 13th February 1839 he said of the *Report* to Macaulay, ' it was a second-rate article for the *Edinburgh Review*, the matter came from a swindler ; the style from a coxcomb ; and the dictator furnished only six letters, DURHAM '. This sounds like the origin of the epigram, 'Wakefield thought it, Buller wrote it, Durham signed it'. Brougham had a motive for spreading this view —the hatred of injurer for injured—but no special knowledge unless malignity gave it him. A note by Henry Reeve in Greville's journal says that years later Sir Richard Hanson, who was one of the Mission, told a man who told Reeve that the report was written by Buller except for two paragraphs on

Church and Crown lands by Wakefield and Hanson. The *Report* contains no two paragraphs that answer this description. Attempts have been made to prove authorship from the internal evidence of style, a tricky business in a prose work without special mannerisms. As far as style is evidence the main body of the *Report* reads as if it were by the author of Durham's dispatch of 9th August 1839, and Durham drafted that with his own hand.

The ideas in the *Report* were obviously drawn from various sources, and only in small degree originated with Durham. Responsible government had been advocated nearly twenty years before, under the unfortunate name of 'colonial independence', by Robert Gourlay; by Wakefield under no name in 1829; and in some detail and with great sanity by Robert Baldwin in 1836: Durham had an interview with Baldwin in July 1838. Responsible government was by this time the central demand of the moderate reformers in Upper Canada and Nova Scotia. Durham adopted their programme, explained their views better than they could, and was the first British politician to understand and advocate the change. Lands and emigration were Wakefield's special topic, and, whoever held the pen, the *Report* in these matters is pure Wakefield slightly modified to fit local conditions. The recommendation of Canadian union was not novel: a bill had been introduced in 1822 to merge the two Canadas. In fact there is nothing novel in the *Report* save the description of existing conditions in Lower Canada;

its value is in the co-ordination of older ideas, in its greater completeness, and in the effective way it argues the case. In origin it is a composite document. But it has never been proved that Durham did not put the whole together in its final form and write large sections with his own hand. For such a view there are strong arguments.

In its final form the *Report* must have been composed in London, not in Canada. Wakefield had reached Liverpool on 20th November, Durham landed at Plymouth on 30th November and arrived in London on 8th December, Buller and Turton disembarked at Liverpool on 21st December. Glenelg received the *Report* on 31st January 1839. Much of the *Report* can hardly have been written till after 22nd December, for Buller was bringing additional material. Durham was available when the *Report* was being put together; he was not the man to leave his vindication to the unrevised composition of subordinates. He had written his initial proclamation and his two chief dispatches from Canada himself; would he shirk the most important task? Buller never claimed the authorship, and in 1847 wrote that the statement that Durham had not written the *Report* was groundless. By that time Durham had been dead for seven years, and it would have been an exaggerated generosity that disclaimed Buller's authorship if it existed: here there were no motives like those that kept Junius silent.

Of course the question whether Durham penned every word is a very minor one; probably sections

were drafted by others for his amendment and incorporation in the whole. And even were Brougham right and Durham's only contribution his signature, the *Report* would remain his more than any man's. The chief of an inquiry, who is responsible for its findings, deserves any credit time may see in them, especially when they are certain to provoke immediate criticism.[1] Durham was well served by his lieutenants; but the Mission and the *Report* are his rather than theirs, and this would be true even if he only signed what was to prove his monument.

[1] Criticism was not confined to England. A Grand Jury in the Newcastle district of Upper Canada presented the Report as a libel on the province—an action reminiscent of the American Revolution, when an American Grand Jury had presented Parliament as a common nuisance.

## III

### THE LAST YEARS

By the Durham Mission Buller had missed half a session of Parliament, but gained far more than he lost. He had learned more of the structure of government than party warfare alone could ever teach him, his theories had faced ruthless fact, and above all a young Radical, whose business had been mainly criticism, had taken a deep draught of responsibility. He had done well and nearly all admitted it; even those who hated Durham did not blame his Chief Secretary. Leader had, it is true, made a venomous onslaught in August 1838 on Buller: 'This person, who was at once secretary to the Governor, *alias* member of the Council, *alias* Chief Commissioner for the distribution of unappropriated lands, *alias* member for Liskeard', but inasmuch as this helped to break up the Radical group it forced Buller towards the Whigs and office.

But office did not come at once. Canada had given Buller a surer note than before and had made him on colonial questions an acknowledged expert, but it had not altered his fondness for jesting. The House of Commons listened with interest to his speeches, but political leaders continued to doubt if he were earnest or safe. In 1837 a small girl had said to him, 'You are always joking. I do not know

whether what you say is true,' and for some years her perplexity was shared by the Whig magnates. Buller's sense of the ridiculous was rather too keen for party success, his humour too little controlled. His jesting was in part a mask, for he hated cant and would not expose his real feelings to casual gaze, but this did not suit the age's fondness for taking itself seriously, and promotion lagged. Buller's opinions, which had been thought dangerously advanced, were a smaller obstacle; they were mellowing though not changing, and as the Whigs slowly turned to Liberalism a barrier that had seemed insuperable quietly crumbled.

Buller's drift towards Liberal whiggism was shown by a desire to write for the *Edinburgh Review*. He asked Macaulay for an introduction to its editor, Napier, and Macaulay recommended him in guarded terms. 'An exceedingly clever fellow, with much more depth than appears at first sight. His faults are flippancy and levity, and a disposition to make a jest of everything,' wrote Macaulay: Buller might be trusted with books about North America or with fatuous biographies, but should be kept off politics where he weakened his performance 'by laughing at himself and his cause'. Buller wished to attack some recent Oxford theology, but the editor seems to have thought this too risky. If a story is true (Froude is the sole authority) Buller may have had more qualifications for theological criticism than one would expect. The tale is that he pressed Melbourne to give Thirlwall a bishopric: Melbourne answered

'Yes, but damn it, he is not orthodox in that preface to Schleiermacher'; and, on Buller claiming that Thirlwall was orthodox enough for the Church of England, the two spent a morning hunting out precedents in the Fathers. At any rate Thirlwall got his bishopric in 1840, but Melbourne had consulted the archbishops on this very question of orthodoxy before making the appointment.

Buller's chief concern in 1839 was to see Durham's recommendations fully carried out in Canada and at once, but he was disappointed. The Government was deplorably weak. It wished to suspend for five years the constitution of Jamaica: against this the Tories stood by the vested interest of a planters' assembly, and ten of the Radicals (not including Buller) by the sacredness of any constitution however oligarchic. In the small hours of 7th May the Government majority fell to five; Melbourne resigned on the same day to resume office within a week owing to Victoria's rather unconstitutional obstinacy. A ministry so feeble could not hope to carry a drastic Canadian bill unless assured of outside help, and Buller feared that the Durham Report would find its way to the limbo of unfulfilled ideas. He appealed to Durham to lead a campaign for immediate legislation, as delay might easily mean a Tory ministry and the scrapping of all results hoped from the Mission, but Durham was powerless. Lord John Russell did something: on 3rd June he announced the Government's decision to unite the two Canadas and give them elective municipal bodies—a partial

adoption of the Report—but stated that he was unconvinced about the possibility of responsible government in a colony. Buller warmly approved the union, 'by far the most valuable part of the Report' if applied to all five provinces, and for the rest showed a riper faith in the logic of representative institutions than reformers always possess. He claimed that union would inevitably bring responsible government in its train. He was right, but union was not yet assured. Stanley took the bit in his teeth and attacked union on the ground, slightly inconsistent for one who steadily opposed colonial self-government, that Upper Canada did not want it. Russell had to postpone the bill for a session, and, perhaps in revenge for the delay, Buller attacked Stanley a few days later. Stanley pronounced for leaving education in Church hands; this roused the secular and radical Adam in Buller. 'When the government—the last of civilized governments to awake from its torpid neglect of the minds of the people, proposes at length to send the schoolmaster among those dangerous, yet tractable masses, the noble Lord, and the Church, and the aristocracy, and the great conservative party, bar his passage with the thirty-nine articles.'

The pause at least gave time for political education, and Buller set to work to enlighten the House on the meaning of Durham's proposals. He criticized the Government for not being bolder and accepting or rejecting the Report as a whole instead of nibbling at sections of it. He stood without qualification by

Durham's views. 'His report would be the text-book of the Colonial reformer, until it became the manual of the colonial government of Great Britain' he said in July: in August he predicted self-government for Australia in the near future. Bold political forecasts are common: Buller's were unusual in their complete fulfilment within half a generation. In 1840 the Canada bill came up again, now as a non-party measure, for Poulett Thomson had won Upper Canada to support union. It passed under a desultory fire of rather ill-informed criticism, and Buller helped it materially; he knew more about the subject than any one in the House and denounced opposition to responsible government as based on 'little argument, no proof, and great strength of language'. He accepted the bill, which by no means fully represented Durham's views, as a half-way house to that union of all British North America that he thought the only final solution to the Canadian problem.

Perhaps in gratitude for support during the Jamaica crisis, perhaps because he thought Buller no longer a Radical, Melbourne in August 1839 offered him a secretaryship of the Board of Control. Buller refused it civilly, saying that he did not wish to be muzzled in Parliament by an office that gave him no share in framing policy. A deeper reason for holding aloof was that he had not forgiven Melbourne his treatment of Durham; he was Durham's man and could not join the ministry till amends were made to his leader. Durham's death in 1840 left

him isolated: he then naturally gravitated to the Liberal wing of the Whigs, and accepted early in 1841 the office he had refused eighteen months earlier.

In December 1839, January and February 1840, *Responsible Government for Colonies* appeared as articles in the *Colonial Gazette*. This was a weekly of strong Wakefield views, completely unofficial, and published at the office of the *Spectator*, then an organ of advanced Radicalism. It is possible that some of the articles, perhaps even the greater part, were by Wakefield, who wrote on 26th December, after three of them had appeared, that he hoped Buller would work with him on Responsible Government papers: he may be referring to this, or to some other, literary effort.[1] After the series had ended the earlier articles were considerably revised and the whole reissued anonymously as the pamphlet here reproduced. Tradition credits Buller with sole authorship, and Wakefield in 1849 reprinted two out of the eight chapters in the *Art of Colonization* without claiming any share in their composition.

Buller was far from rich, he had refused office, the Radical party had crumbled into individuals, and a Tory government seemed only a question of months. It was time for him to be seeing to a livelihood as well as to his career. So he took up the law seriously, though without much enthusiasm, went regularly on circuit, and built up a practice; he took silk in 1842. In 1841 he had his first experience of office as

[1] *The Durham Papers*, p. 206.

Secretary to the Board of Control: it lasted only a few months and was unimportant. His chief achievement while in office was the offer to Harriet Martineau of a civil list pension which she declined. She was a Radical and an admirer of Durham, so there were additional reasons for Buller inducing the Government to give her official recognition besides her economic and historical writings. He had by now done something to start his brothers in life. Arthur held a legal appointment in Ceylon, and Reginald a comfortable living at Troston in Suffolk. The Government was decisively beaten in the election of 1841 but lingered in office till the Commons definitely ejected it in August. Buller at all events was not sorry to go into opposition. He told Greville that it was high time 'such a miserable apology for a Government as the late Cabinet' should end, and prepared to turn his best quips against its Tory successors.

Two of Buller's more elaborate jests, made in the irresponsibility of opposition, have survived and are worth recording. On 18th June 1838, Victoria had given a ball, and the French ambassador, crediting the English court with a Gallic knowledge of dates, had refused an invitation that seemed to commemorate Waterloo. This gave some colour to a joke planned in 1842 by Buller and Monckton Milnes. The first fancy-dress court ball of the reign was to be held on 12th May, and Victoria had elected to go as Queen Philippa, Albert was to be Edward III; this could be twisted into an insult to France. On

the day of the ball Buller and Milnes produced in the *Morning Chronicle* a picturesque account of an imaginary debate in the Chamber of Deputies the day before. M. Berryer (Buller composed his speech) made an interpellation on the subject of the ball. England was now working against France, not by coalitions but by making her an object of ridicule.

You think this is a frivolous matter. . . . Ah! messieurs, is it that anything is frivolous in England [sensation]? . . . This aristocracy, which prohibits amusements to the common people, which outrages nature in hindering the Sunday dance, never amuses itself. . . . The sole object of these re-unions, after the pleasures of an intoxication equally relished by both sexes [bravos], is that of keeping alive the ancient traditions of hatred to France. . . . This spirit of hatred, of insolent domination, does it not display itself in all the acts of the Englishman? What is he now doing? The play of Henry V is the favourite play at the theatres. At this very time I see that the government has thrown open Waterloo-bridge to the public, free of charge. . . . Is not that same government perpetuating these grievous recollections at the antipodes? When it builds a town in New Zealand, does it not call it Wellington? Does it not at this moment, in the great place of London, elevate a gigantic column to Nelson, in order to insult the carcasses of Aboukir? And this ball . . . for what is it given, but that the haughty descendant of the Plantagenets may evoke the long buried griefs of France by representing the disasters of Cressy and Poictiers, and the loss of Calais? . . . Is it true, I say, that M. de St. Aulaire[1] has received orders to go, with his attachés, with bare feet and the halter round his neck, representing the unfortunate burgesses of Calais? . . . Is it that I would propose war with England? . . . it is

[1] The French ambassador.

not thus that that dynasty [1] would have answered such a defiance. The answer of France to the accumulated insults of these haughty islanders ought to be addressed to Europe! It is on the banks of the Rhine that the cannon ought to accompany the dancers of St. James! It is by taking the Balearic isles that we shall efface the recollection of Cressy and of Agincourt.

Milnes continued the debate with speeches credited to Lamartine and Tocqueville; Lamartine saying 'let them dance while the great mind of France calmly and nobly walks over the world', and Tocqueville denouncing the ball as a repudiation of that democratic idea which it was the duty of France to sustain. Buller wound up as Guizot, who explained that Aberdeen had given satisfactory explanations, that Victoria wished to educate her aristocracy in their history, and was therefore giving a series of fancy-dress entertainments. He ended, 'It is with a profound satisfaction that I am able to inform you that M. de St. Aulaire proposes to represent on this great occasion, the virgin of Domremy, that heroine who avenged France! He will go as Joan of Arc!'

This was good fooling, though one would not expect any one to take it seriously. But French outbursts over Mehemet Ali had been fiery enough to make it seem not too outrageous a parody, and even a few who should have known better were deceived. Sir James Graham rushed to Peel, exclaiming, 'there is the devil to pay in France over this foolish ball!' and Peel enjoyed his colleague's alarm.

[1] The Bourbons. M. Berryer was the chief legitimist in the Chamber.

Newspapers in both France and America accepted the report; one French journal protested at the French ambassador wearing Joan of Arc's armour, 'he should not allow the panoply of a woman so cruelly sacrificed to British pride to be worn on such an occasion'; in Carolina some lectured English conceit and others French sensibility.

The other jest had more of a party flavour, and was at the expense of the rigid Churchmen of Oxford, whose legs Buller always delighted to pull. The appointment of Dr. Hampden as Regius Professor of Divinity in 1836 had raised a terrific storm in the Oxford tea-cup: Convocation countered by university legislation which deprived the new professor of his share in governing the Faculty of Theology. This legislation was still in force, and Buller composed a Latin letter from the Vice-Chancellor to Convocation advising its repeal lest it embarrass the Conservative Government. Whatever may be thought of Oxford's politics in the forties none can doubt that Buller was unfair to her latinity.

Radicales sunt penitus eversi: Peelus est in potentia. Peelus autem in potentia est res totaliter differens Peelo in oppositione. Si tuto possemus subvertere illum, non singulum momentum in officio maneret, quia nobis videtur facere omnia ea quibus alii tantum loquebantur de. Videte autem fratres carissimi! in quâ lamentabili positione ponuntur Ecclesia amicique Ecclesiae! *Si subvertimus Peelum, mortuae certitudini habebimus Johannulum.*[1] Haec est res non singulo momento contemplanda. Necesse est igitur ut faciamus quodcumque vult Peelus. Peelus vult pretendere esse liberalis; necesse igitur est ut nos etiam liberales esse

[1] Johnny is Lord John Russell.

pretenderemus. Et ut condemnatio Doctoris Hampden opus suum omnino peregit, sine ullo damno possumus liberalem cursum incipere revocando illam.[1]

Buller never married, and the reason may be twofold, his friendship with Lady Harriet Baring and the peculiarly close affection that bound him to his mother. Lady Harriet was both a wit and a thinker; she used to say that of all the political men in England whom she knew well there were only two who rose above conventionality and had humour in public life—Sir Robert Peel and Buller. Between his mother and Charles the passage of years only strengthened the ties. When he was told that his opinions had hindered and might still hinder his advancement, he refused to compromise but said, 'And yet, when I think that, by a little concession, I could give my mother an Opera-box!' Whatever he did was right in Mrs. Buller's eyes, and she did what she could to assist the Radical cause. During the session she held a kind of *salon* for people of literary and political importance: the Carlyles often attended 'Radical routs' at her little house in Storey's Gate. Buller hospitality was not limited to Benthamites; Charles used to say that they would sometimes admit a Tory to their parties on the understanding that he should look ashamed of himself. It is doubtful if Mrs. Buller's entertainments helped her son's career, for she could not be

[1] I have not been able to find this letter in contemporary papers and quote this extract from Lord Houghton's *Monographs*, p. 242. The letter must have been written in the spring or early summer of 1842.

called a good hostess: at one dinner she placed Harriet Martineau, who was very deaf, between Mr. Buller, nearly equally deaf, and an empty chair, while she herself sat between Thackeray and Charles: this was hardly the way to treat a lioness. But her intentions were of the best.

The letters of the Carlyles give a pleasant picture of the Buller family in the summer of 1842. They were spending some months with Reginald, at his rectory of Troston, Suffolk. He was the only one of three sons with no trace of distinction—a rather lazy parson, called 'the good Buller' because he needed an adjective, and 'the clever' and 'the handsome' were ear-marked for Charles and Arthur. Mrs. Carlyle joined them in August for a longish visit, and Carlyle followed in September to bring her home. But Mrs. Buller borrowed a farmer's horse, put Carlyle on it, and sent him for a three or four days' riding trip through the Cromwell country. Charles was expected, and it was clear that his parents lived for his arrival. Sympathy for them and a strong natural iconoclasm made Mrs. Carlyle censure the distinguished son who had not travelled down as soon as Parliament rose, but had gone first to Lady Harriet Baring and then to Normandy. Perhaps her blame of Charles, who had made Carlyle and Lady Harriet acquainted three years before, was tinged by jealousy of that lady. Her censure reached a high pitch on 7th September, when Mr. Buller drove into Bury to meet his son and returned without him. Charles had merely missed his connexions and arrived at midnight in a chaise

with a valet and much luggage. The next day Mrs. Carlyle, who knew Charles well and liked him much, but who instinctively resented the 'extravagant homage' that he received 'from all people, especially women', met him with reserve. He won her immediately, shot the head off a hollyhock with his gun, gave her the flower, and the next day she wrote, he '*is* the most agreeable person alive'. He tried a few days later to hypnotize her but without result; it was not mesmeric power that made her once more a devotee.[1]

Buller's political activities during the years after 1841 can hardly be dealt with chronologically; he supported numerous causes, not all of which were closely related, and wielded as much influence as was possible for a member of the opposition, not a recognized leader. Not satisfied with having advocated reform on three subjects, none of which was widely popular—the public records, election committees, and Canada—he turned now to one that was positively dangerous, Ireland. His views on that island were not original nor do they seem to-day very striking. Like practically all his non-Irish contemporaries he accepted the Act of Union as constitutionally final, but he hoped to find measures that would bind O'Connell and the parish priest to the Government coach. He held that Melbourne's ministry had gained no real success in Ireland because it would not work openly with and through

[1] See *Letters of J. W. Carlyle to her Family*, 1839–63, L. Huxley; and *Letters of J. Carlyle to his Youngest Sister*.

O'Connell, a master of organization, who had, Buller said, 'taught the people that the insurrection which was to be effective in coercing a government was that which never broke out, but was always to be apprehended'. Perhaps Buller foresaw the impossibility of keeping a nation poised on this razor-edge until reactionary minds would admit that Ireland had genuine grievances. If there was to be a real alliance between an emerging Liberal Party and O'Connell, Buller was as good a man as any to make it, for his sympathy was genuine and of some date. In June 1840, he had stood by the Irish leader when he was provoked by cat-calls to denounce an opposition 'beastly in your uproar and bellowing'. Macaulay, who was so made for success that Buller's flippancy grieved him as blasphemous wrote that on that day Buller spoke 'with earnestness, dignity, and propriety'. In February 1841 Buller, who had just joined the Government, made a speech on Ireland that Greville ranked with those of Peel and Russell as the best in the debate. His first appearance in the *Edinburgh Review*, in January 1842, was an attempt to guide the Whigs to a more liberal Irish policy. 'You need not have specified "moderation" or "hesitation"', he had written to the nervous editor, 'for if there are any two qualities in the world that I excel in, these are the very two'. Buller saw himself not as others did, but a reader to-day finds his article moderate indeed; it advocates nothing more drastic than the suggestion made years before, official payment of Catholic priests.

During 1843 and 1844 he went a little further. 'The Government of England in Ireland has been for centuries our scandal in the eyes of Europe' he said, and advocated a policy like that which Bagot had so recently followed in Canada—government according to the wish of the majority. It is curious that in the same speech he condemned parliamentary separation of Ireland from Great Britain, while admitting that nine out of ten Irishmen wanted nothing else, for it was only the existence of a separate Canadian parliament that had allowed Bagot to try his experiment. In July 1843 and February 1844 Buller turned against the Irish establishment: naturally he supported Peel over the Maynooth grant; but showed himself no Peelite by saying that the education given at Oxford and Cambridge was not religious, 'the system of compulsory attendance at chapel was anything but conducive to religious feelings'—and that the morals of both universities were bad. Greville thought Buller sufficient of an expert to ask him next year to read the proofs of a book on Ireland. In the debate on Irish coercion, which wrecked the last Peel Government in June 1846, Buller heavily attacked the landlords and advocated an Irish Poor Law. Soon after he had become a member of Russell's Government he drafted an Irish policy—strong government, majority verdicts in murder trials, systematic emigration from Ireland (chiefly to the Cape), public works, payment of the Catholic clergy by an Irish tax. It seems narrow to-day:

it was, as he expected, too wide for his colleagues, and they dallied with it only to condemn. Three weeks after its rejection he died.

He who reads the parliamentary debates of the forties is constantly surprised at two things; flashes of modern illustration in what often seems a museum of dead politics, and the strange bedfellows made by non-party issues. Buller's career in opposition illustrates both. In 1842 he advocated total repeal of the corn laws (he was always a Free Trader); the same session found him defending marriage with a deceased wife's sister and opposing an income-tax. The last was due to party spirit, but Buller's reasons —that earned and unearned income should be treated differently, and that not to do so penalized the professional classes—have something of a modern smack. We are completely in the museum during a debate (July 1842) on St. James's Park: Buller attacked the rules that no one carrying a bundle or wearing working dress should be admitted to that sanctuary, and that any one found asleep there must be roused and ejected. A Canadian will hear a shyly modern note in a remark of Buller's on the Canadian militia—that in 1838 he had found 'within the space of eight miles in Canada . . . no less than seventeen military colonels'; the Canadian surplus of colonels over battalions is apparently of long standing. The other surprise is illustrated by the division on a ten-hour day for women and children in cotton factories. This was in March 1844: Buller supported ten as against twelve hours and followed

his leader of the moment, Lord Ashley, in arguing that the product of the marginal two hours was negligible; the work of the Fatigue Research Board bears them out. His side was beaten by seven votes; with him voted in unusual combination Sir Robert Inglis, who was not always a die-hard, Disraeli, Palmerston, and Macaulay, and against the measure Peel, Bright, Leader, and Gladstone.

Despite his interest in many topics, Buller's chief parliamentary work during these years of Opposition was given to the Colonies. He was regarded as a man with a watching brief for present or future colonists. Privately he criticized Sydenham's policy in Canada as too arbitrary, both privately and publicly he supported Bagot's admission of the Anglo-French reform coalition to power—Bagot 'had, in a manner which could never be more than sufficiently commended, adopted the right course, and in the best possible way'.[1] In 1842 Stanley proposed a new constitution for Newfoundland—a unicameral legislature three-fifths elected, in place of the old two-decker parliament set up in 1831 and suppressed a few years later. The Colonial Office was experimenting with single chambers partly nominated, hoping thus to avoid the friction that the older type of constitution seemed invariably to develop between an elected lower and a nominated upper house. Stanley saw in the device a way of avoiding, in all colonies that had not begun their march down the road blazed by Durham, responsible government which he fundamentally disliked. Buller

[1] 7th February 1843.

attacked the innovation, for he held that such a unicameral legislature might be satisfactory in Australia, where it was a first instalment of democracy, but should not be foisted upon colonies that had known, even if they had misused, better things.

On 30th May 1844 there was a debate on Metcalfe's policy in Canada: Roebuck began with denunciation and a prediction of Canadian independence; Stanley countered with warm approval and gratuitously assailed the principle of responsible government to which Metcalfe himself gave lip-service. His speech showed the misconceptions which an able, opinionated man can hold if he has never thought out the consequences of his views: he had read but not digested the Durham Report, and he argued that a colonial governor must be also virtual prime minister. Buller agreed with Stanley in supporting Metcalfe, but for quite different reasons. Very sensibly he said that, to avoid misunderstanding, colonial autonomy should be called 'parliamentary', not 'responsible' government; he denied that Metcalfe had flouted its principles, said that the Canadian ministers had blundered, and defined the function of the Imperial Parliament during such a quarrel: it should express its views, not to decide the dispute but to help the Canadian assembly and people to reach a decision. Canada, not Britain, must be the arbiter in a struggle between governor and cabinet. We know now from Metcalfe's letters what Buller did not know, that, though Metcalfe nominally accepted Durham's principles, he

was in effect fighting a rear-guard action against them. But his ministers had strayed into a personal attack on him and the issue was befogged. Wakefield supported Metcalfe in the Canadian assembly; a month after this debate he published the defence of that governor here reprinted: he had almost certainly primed Buller with his own view of the controversy, and this Buller saw no reason to reject. Given Buller's data the line he took was inevitable: to him Metcalfe was fighting for rights which the Crown still possessed in England and could not be expected to surrender overseas.

It was a year before this, on 6th April 1843, that Buller made his most celebrated speech, on the need for systematic colonization as a partial remedy for the distress sweeping over England. Wakefield reprinted it in the *Art of Colonization*, and it needs no summary here. But it is worth noting that to Buller emigration was part of a free trade policy, 'you advocates of Free-trade wish to bring food to the people. I suggest to you at the same time to take your people to the food'. He accepted fully the soundness of the Wakefield 'system'; 'within the last three or four years our colonization has entirely altered its character', 'a Colonial career is now looked upon as one of the careers open to a gentleman'. All this was true, but he assumed that Great Britain could indefinitely control the fiscal policy of the Empire, where events were to prove him wrong. He would have followed up the speech with a bill, but he had a bad breakdown, and though

he was back in Parliament before the end of May, he could not undertake the great labour needed to draft and sponsor a complicated measure. In August he returned to the attack with a more detailed statement of Colonial land problems: emigration to Canada needed not subsidies but control and co-operation with the Canadian Government; to get emigrants to Australia and New Zealand it was necessary to offer financial help. The Government promised consideration but did little more, and the Anti-Corn Law League was distinctly annoyed with Buller for distracting attention from the one remedy they proposed, free wheat-imports.

After this Buller subsided, mainly through the pressure of other work. The New Zealand controversy engrossed him—that tangled struggle of the Company against the Colonial Office and missionaries of which it is almost impossible to weigh the rights to-day. Buller was of course with Wakefield and the Company, but far more ready than Wakefield for compromise. The Company had not received the lands to which it thought itself entitled, and it claimed that in consequence Maori as well as settlers were suffering. Negotiations with the Colonial Office broke down and the Company launched in 1845 a House of Commons attack led by Buller. He denounced most of the missionaries (save the Roman Catholics) as land-speculators, defended the Company's actions throughout, and accused Stanley of failure to keep agreements and of personal animosity against the Company. Monckton Milnes,

though a Conservative, seconded the motion for an inquiry: there were three days of debate; Disraeli, Cobden, and Bright rallied to Buller, but he was beaten by fifty votes. The Company fought on and in time got partial redress, largely through Buller's negotiations. Whatever its sins—and they are hardly proven—it is incontestable that it began the genuine colonization of New Zealand and that it never was allowed to fulfil more than a fraction of its policy.

The corn-law crisis of December 1845 brought a curious incident in Buller's career. He cared much for free trade: its success was almost assured but might be postponed, for Cobden distrusted Peel and was attacking him violently. Buller tried through an intermediary to make peace between the two, and Peel seems to have taken this as a personal overture; he wrote that Buller's strong language on the Irish Church made it impossible for him to render 'assistance in high parliamentary office'. It seems unlikely that any offer would have tempted Buller into a Conservative Government with which he could have agreed on one thing only, the tariff; he was a fairly prominent member of an opposition whose advent to power became a mere question of weeks as the spring of 1846 brightened into summer. The time came at the end of June: Peel went out on Irish coercion; Russell formed the ministry that was the first frankly to adopt Durham's colonial policy, and in Russell's Government Buller found a place though an obscure one. He accepted the sine-

cure office of Judge-Advocate-General in preference to any post more arduous, for he wished to be free to continue his advocacy of systematic emigration. The Privy Councillorship that generally went with the office he refused, lest it interfere, when he was again a member of the opposition, with the legal practice which earned him a living. Though he is generally referred to as the 'Right Honourable' he was in fact never sworn of the Council.[1]

Buller's feet were at last well set on the ladder, and a few years should see him in the Cabinet. Stung by a retort from Peel—'if the Honourable member for Liskeard will cease for a moment from making a buffoon of himself'—he had learnt to curb his humour in Parliament; he was familiar with all the big issues of the time save those of foreign policy; he was universally popular. On colonial questions he was the chief expert in the Commons, and Grey at the Colonial Office was embarking on a policy the greater part of which coincided with Buller's views. If Buller preferred a pro-consular to a parliamentary career he might have it; in 1845 and 1848 he was thought of as a possible governor of Canada. If he wished to stay in England he could almost count on the Colonial Office within a few years.

According to Wakefield Buller had understood that he, Earl Grey, and Hawes should work together in the new government for colonial reform, especially for the development of controlled emigration, but

[1] *Fifty Years of Public Work of Sir Henry Cole*, 1884, i, p. 18 n. *Notes and Queries*, 6th Series, vol. iv, p. 449.

Grey altered his views and overthrew the arrangement; 'Earl Grey had spoiled Buller for a colonial reformer'. Wakefield was never fair to Grey, whom he regarded as a selective plagiarist of his ideas. But whatever the cause little was done, and to some extent Buller found himself muzzled by office. In March 1847 he advocated more extended powers for the Land-and-Emigration-Board, and attacked the Tories as little Englanders: 'their theory was, that it was unadvisable to take any steps to found British settlements in any part of the globe; and most amply did they carry out their theory'. The Wakefield land system should, he said, be set up in all the newer colonies and self-government given to every settlement peopled chiefly from Great Britain.

The next few months turned him somewhat from emigration to the kindred subject of the Poor Law, and at the end of 1847 he took the onerous and unpopular office of chief Poor Law Commissioner. That he accepted a post which did not carry with it cabinet rank and in which popular success was impossible proves that personal ambition played a smaller part in his life than his passion for thoroughness and his interest in detail. He wrote to one friend, 'You are one of the very few persons to whom I can venture to say that I took this office with the hope of doing good'. The subjects of emigration and the Poor Law were allied, and he saw an opportunity of helping Great Britain and the Colonies at the same time, not by a mere shovelling of paupers oversea, but by systematic and steady

emigration of people fit for life in a colony and without opportunities at home. Wakefield had had an apoplectic seizure in 1846 and was recovering slowly. In the spring of 1848 Buller went to see him at Reigate and they decided that the *Art of Colonization* should be written as a prelude to a big scheme. Wakefield wrote it in France; Buller paid him a flying visit in the autumn of 1848. It was to be a preliminary to a detailed programme, and after its appearance a public campaign was to be opened.

This campaign never began. Parliament adjourned on 5th September 1848, and Buller travelled down to Hampshire to stay with the Barings; the Carlyles were there, too, for over a month. Buller went back to London and the Poor Law, paid a hasty visit to Wakefield in Normandy, and in November was with the Barings again, the life of a varied house-party. Then he fell ill in London, was operated on, expected to recover, relapsed and died in Chester Place early in the morning of 29th November. Froude attributed his death to the blundering of an unskilful surgeon. *The Times* said that typhus fever followed surgical treatment, which, if true, shows faulty diagnosis or infection due to appalling carelessness. It is more likely that Buller's resistance had been lowered by hard work, and that the shock of the operation was too much for him.

As Johnson said, a man is not on oath in a lapidary inscription, and in less degree this applies to obituary notices, which do not always represent faithfully contemporary opinion about the deceased. But it

is impossible to read those about Buller without feeling in some at least of them a genuine sorrow. *The Times* compared him to Canning, 'enrolled among the honourable and the good, more even for what he was than for what he performed'. An article signed 'S. A.' in *Fraser's Magazine* called Buller 'the humanest man I have ever known', 'attractive as he was to his equals, he was perhaps still more so to his inferiors'—the author had seen this side of him during a tour in Cornwall. 'There was no greater favourite in the House', 'he could be everything but ill-natured or dull', said the *Examiner*; in the same paper Carlyle wrote 'a very beautiful soul', 'alone of wits Buller never *made* wit'. Greville had always been critical of Buller's humour, but now wrote in his diary that Buller could be ill-spared to his party, that in politics he would have achieved great eminence, and that his death was 'a great social and a great public loss', 'a man more honourable and independent never existed'. Thackeray addressed the epilogue of *Dr. Birch and his Young Friends* to Buller's memory. More than three years later Macaulay, who had liked Buller more than he had admired him, said at Edinburgh, 'often in debate, and never more than when we discuss those questions of Colonial policy which are every day acquiring a new importance, I shall remember with regret how much eloquence and wit, how much acuteness and knowledge, how many engaging qualities, how many fair hopes, are buried in the grave of poor Charles Buller'.

Such tributes may seem excessive for one who when he died held only secondary office. But Buller though not in the Cabinet had been one of the most popular members of the Government, and was mourned not only by Liberals. People knew that he was devoted to a cause rather than to the triumph of a party, and discerned in him a kind of politician never too common—one interested in details, ready to give himself to issues that could not expect wide support, with an active and critical mind, never a mere voting unit. Bulwer-Lytton's poem, *St. Stephens*, published in 1860, describes Buller's life rhetorically and with the scepticism all men at times feel about politics, but not unfairly :

> Few, who at ease their Member's speeches read,
> Guess the hard life of members who succeed ;
> Pass by the waste of youthful golden days,
> And the dread failure of the first essays—
> Grant that the earlier steps and sloughs are past,
> And Fame's broad highway stretches smooth at last ;
> Grant the success, and now behold the pains :
> Eleven to three—Committee upon Drains !
> From three to five—self-commune and a chop ;
> From five to dawn, a bill to pass or stop ;
> Which, stopt or pass'd, leaves England much the same.
> Alas for genius staked in such a game !
> When as 'the guerdon' in the grasp appears,
> 'Comes the blind Fury with the abhorred shears'.
>
> Farewell, fine humorist, finer reasoner still,
> Lively as Luttrell, logical as Mill,
> Lamented Buller ; just as each new hour
> Knit thy stray forces into steadfast power,
> Death shut thy progress from admiring eyes,
> And gave thy soul's completion to the skies.

However deeply Buller's friends felt his loss, there was one to whom it meant more than to all others combined—his mother. Mrs. Buller had lost her husband in May 1848; now six months later she had lost Charles too. She never recovered from the blow, but pined and died on 13th March 1849, killed by grief.

Though the present Record Office is in part Buller's monument he left but small direct mark on legislation, and it was more in tribute to what he was than to what he had done that friends placed his bust in Westminster Abbey.[1] His chief memorial is not contained in any Act of Parliament, but in that revolution in colonial policy of which he was from 1840 to 1848 the chief parliamentary advocate. The Colonial Office had never been as foolish as Wakefield and Buller, anxious to prove a case, made out, or as some historians, ardently flogging a dead horse, would still have us believe. It was rigid rather than stupid, bureaucratic but not ignorant. Yet no one can read the colonial dispatches before and after the vexed period 1837–41 without noticing a change of tone that cannot be wholly explained by the new measures of that time. England had been won to utilitarianism as the guiding principle in home affairs, but at first she did not apply the same rule overseas: after the Canadian crisis her colonial policy was gradually harmonized with her domestic.

[1] It stands in the west corner of the north transept, between the memorials to Francis Horner and Eyre Coote. It is a posthumous bust by Weekes.

It became accepted that political expediency in the colonies provided a justification, not merely an excuse, for modifying preconceived ideas. Colonial questions came to be treated on their merits with the basic assumption that self-government was as natural for those who migrated as for those who stayed at home. The temper of colonial dispatches became that of political common sense. Mistakes were made but (with the exception of South Africa) they were not the old mistakes: they no longer sprang from the rigid codes of a bureaucracy and a governing clique, but from diverging views on the facts of the situation and the policy needed to meet those facts.

A change in policy cannot be permanent, as this one was, unless it represents public opinion. Buller's chief achievement was that he in Parliament, as Wakefield out of it, by force of argument, by knowledge of the problems at issue, created a sufficiently well-informed opinion to make the new utilitarian way of judging the situation seem the only way possible. It is true that Wakefield and Buller never attained one of their chief aims—to set up a constant flow of well selected, well directed, emigrants to Canada and Australasia: the stream ran faster than before but still haphazard. It is true that their belief, that a self-governing Empire might survive indefinitely, was soon abandoned (though only for a time) by many politicians in Great Britain and by some in Canada: disruption came to be regarded as the logic of autonomy. But this did at least as much good as it did harm. It weakened the natural

reluctance of the Imperial Parliament to widen the powers of a colony as new needs arose, and it forced the colonies more and more to face their own problems and stand on their own feet. The revolution in colonial policy was so successful that it prevailed even though these two things, faith in the future and organized emigration, fell to the ground. Buller and Wakefield were the two men who were most responsible for the revolution in opinion that was the parent of the revolution in policy. Durham and Wakefield are better remembered than Buller, but he was as essential a member of the reform group as either. He had a better character than Wakefield, a better temper than Durham. He was tactful and persuasive where Wakefield tended to rely on intrigue and wire-pulling, and he had not the vanity that made Durham so detested by many of his equals. Buller was throughout and always a gentleman in the best sense of the word, and colonial reform, if it was to appeal to the Commons, had to speak through a gentleman.

## IV

## THE MEANING OF RESPONSIBLE GOVERNMENT

Buller's pamphlet, *Responsible Government*, had two chief purposes. He wished to elaborate Durham's views where they were most criticized in England—the application of parliamentary principles to a colony. In a publication that was unofficial and anonymous he could be more frank than in any Blue-book, even than the outspoken *Report*, and so he went in some detail into the relations between Governor and ministers that would follow the adoption of this untried parliamentary doctrine. His second purpose was to attack the Colonial Office for what all the Colonial reformers blamed in that maligned department—stupidity, red tape, irresponsibility. This attack is vigorous and racy but extremely unfair, especially so to Sir James Stephen, then permanent under-secretary: it has value none the less in its attempt to humanize a department whose conduct was a vital matter to thousands. Chapters VI and VII of Buller's pamphlet, which contain this onslaught, were reprinted in 1849 by Wakefield in his *Art of Colonization*, for they admirably fitted Wakefield's endemic war with authority, but he omitted the other, and constitutionally far more interesting, parts of the work.

*Responsible Government* appeared while Durham was still alive, Wakefield's article *Sir Charles Metcalfe in Canada* in July 1844, four years after Durham's death. Were this article what its title suggests, merely a partisan statement on a struggle long decided, now summed up and weighed, there would be small reason for reprinting it. But Wakefield in defending Metcalfe went far beyond his brief, and this is what gives the article interest to-day. He sketched what to his, the pioneer mind amongst the colonial reformers, was the true nature of colonial government. When the views of Wakefield and Buller are added to those of Durham—and nowhere can a vital difference of principle be discerned among the three—the nature of the new system as it was planned becomes clear.

As it was planned, not as it was carried out. Every one knows that the colonial governments, once freed in part from Colonial Office control, continuously widened the freedom they had gained, made breach after breach in the subjects reserved by Durham and his followers for imperial authority, and now are battering, though with some uncertainty as to their ultimate aim, on the last of these, the choice of foreign policy and the decision on issues that may bring war. The knowledge of this fact tends to make us read our history backwards. Durham is either credited with foresight of the whole movement, which is clearly incorrect, or attention is concentrated on his shattered reservations and the almost equally false deduction is made that he did not advocate genuine

colonial autonomy. Buller's pamphlet, Wakefield's article, have perhaps no political lessons for us to-day, for we have amassed a store of precedents and experience in many shades of self-government that is far greater than early Victorian years could even anticipate. But they help us definitely to see into the minds of that small, short-lived group of Radical reformers who, while no political leader of the first class helped with more than passive acquiescence in accomplished fact, made one of the most completely successful revolutions of the nineteenth century. If these writings have little or no political significance they are at least historically important.

The revolution in colonial policy was in a way too successful for its leaders' reputations. Parliamentary government came to seem such an obvious deduction from parliamentary institutions that soon no one, at home or in the colonies, could see the reformers' arguments as other than platitudes: the fact that they had been daring innovations was forgotten. Then the new policy worked, as new policies have a way of doing, not quite as had been intended. For this there was another reason besides the usual one that day to day experience modifies any preconceived plan. The theory of the revolution was worked out mainly by Englishmen and Scots, from Robert Gourlay, who advocated responsible government under the name 'Colonial independence' as early as 1822, to Earl Grey, who tried in 1850 to envisage the political organization of Australia as a whole. Robert Baldwin was a notable exception:

he knew definitely what he wanted and in letters to Glenelg in 1836 and to Durham in 1838 asked for it—provincial cabinets responsible to provincial assemblies; no colonial federations, which would, he thought, lead to imperial disruption; and the reservation for the Imperial Parliament of all general legislation.[1] After Baldwin the chief colonial theorizer on the question was Joseph Howe, whose four open letters to Lord John Russell in 1839[2] add little if anything to the Durham report. But if the doctrine was largely British its practice was colonial, and for the first twenty years chiefly Canadian. Politicians in Canada gradually diverged more and more from Durham's conceptions for several reasons. They had no first-hand knowledge of British constitutional procedure, and in the beginning few local precedents on which to model their action: they were not much concerned with the abstract question of imperial relations: they wanted specific modifications one at a time and asked for them in the full and correct belief that in altering the original scheme of colonial devolution they were not destroying the British connexion. They built a party system out of fluctuating groups, and this changed the relationship of Governor to ministers just as the Reform Bill of 1832, intended for a quite different purpose, strengthened the British Cabinet against the Crown.

[1] *Canadian Archives Report*, 1923, pp. 326–37.

[2] Reprinted in Kennedy, *Documents of the Canadian Constitution*, pp. 480–514, and in Egerton and Grant, *Canadian Constitutional Development*, pp. 190–252.

To reinforce their parties they insisted on complete control of patronage. The reformers had foreseen and approved such control, but would hardly have cared for its corollary, a spoils system more efficient than admirable, beginning just when Great Britain was reorganizing her civil service in the opposite direction. The British Parliament swept away Colonial Preference and embarked on Free Trade; Canada, a predominantly farming country, with a farmer's dislike of direct taxation, replied a few years later by a claim of fiscal independence which meant local protection. The two parliaments thus combined to remove one of Durham's reserved subjects, imperial control of colonial tariffs. But despite these and other changes the chief part of the reformers' plan endured as long as the conditions which it had been formulated to meet.

The *Durham Report* sketches that plan with occasional ambiguity and without detail; Buller elaborates it and explains the proper course of a Governor in the event, soon to be realized by Metcalfe, of his quarrelling with his ministers; Wakefield defines it with still greater and perhaps too narrow precision. It was a plan of autonomy, not of independence: a scheme for the government of provinces, not of nations. The powers explicitly reserved by Durham for the Imperial Government show this clearly. Alteration of the constitution, foreign affairs, defence, regulation of external trade, the Crown lands—these were to be left to Westminster. In all other things there was to be complete

autonomy, and the will of the colony, expressed by its assembly, was to prevail in legislation and administration alike. The Governor must be instructed to choose ministers who had the confidence of that assembly, and 'to secure the co-operation of the Assembly in his policy'.[1] This last phrase and the fact that Durham nowhere speaks of a 'cabinet' but rather of responsible 'heads of departments' makes at first plausible the idea that Durham did not foresee the rise of a colonial ministry, built on strong party lines, and itself choosing policy to the comparative exclusion of the Governor. A committee of departmental chiefs, each responsible to the assembly for the efficient conduct of his office, but not bound together by that collective responsibility that had only developed in England under Rockingham and the younger Pitt, would obviously leave more room to the Governor than does the system to which we are now accustomed. The constitution of a country so governed would resemble that of William III more than that of Victoria. But we must remember that it is difficult if not impossible to have a modern cabinet without parties, that when Durham wrote and for some years after Canadian parties hardly existed, and that the word 'cabinet' had not then attained the respectability given it by Bagehot. Durham had himself sat in a cabinet as well as in the House of Commons, and he knew what were the relations of ministers in England to both Crown and Parliament. When he wrote, 'nor can

[1] *Report*, p. 279.

I conceive that it would be found impossible or difficult to conduct a Colonial Government with precisely that limitation of the respective powers which has been so long and so easily maintained in Great Britain',[1] he understood what he was saying. Lord John Russell took Durham to advocate little more than tactful non-partisan action by the Governor, who should himself select ministers popular with the assembly and govern through them.[2] But there were better judges than Russell of Durham's intentions: Durham's brother-in-law Howick, later Earl Grey, was one; he accepted the wider interpretation and approved Elgin's actions: Durham's son-in-law Elgin was another; he thought that by accepting frankly the position of a Governor who virtually let the Assembly choose his ministers and these ministers control policy, he was working out Durham's views and vindicating his memory.[3]

If the *Durham Report* concedes full provincial autonomy, Buller and Wakefield do nothing to lessen it. They stood by the same reservations on colonial powers as did Durham, and for obvious reasons. To let a colony change its constitution at will might be to destroy the whole scheme of devolution almost before it had been set up: it was incompatible with any other reservations and there was practically no Canadian demand for such an

[1] *Report*, p. 280.

[2] His dispatch of 14th October 1839 conveys this view.

[3] Elgin's letter to his wife, 1847. See Kennedy, *op. cit.*, p. 579, or Egerton and Grant, *op. cit.*, p. 312.

abstract concession. As for defence and foreign affairs, the separate governments of British North America and Australia were clearly incapable of assuming such grave burdens—in fact for more than a generation Canada wished for as little responsibility in these matters as was possible. Crown lands were to be kept under British control on the reasonable ground that they belonged rather to such people of Great Britain as might soon emigrate than to the comparatively few thousands who had already done so and acquired farms. Buller and Wakefield sought to rouse Parliament to a comprehensive scheme of emigration, with the double aim of lessening economic pressure in the British Isles and of increasing colonial wealth. Such a scheme must, they thought, be systematic, drawn up for the whole Empire, and not for one part only. Immigration and land grants were inseparable : if one colony were not to spoil the whole plan by bidding against the rest the lands must be regulated from one head-quarters, which obviously should be in London. This reservation was never meant to be permanent, but merely to remain until colonial populations attained a respectable size. Probably it could never have been made effective, but it is worth noting that the Canadian Government has steadily refused to transfer the Crown lands in the west to the prairie provinces, and has done so for reasons similar to those guiding Wakefield, the need for a single comprehensive policy of settlement. This is in some measure a justification of the reformers' view.

Lastly, fiscal independence should be withheld. This reservation was made probably for two reasons. Tariffs are a national rather than a provincial business, but the colonies were then thought of even by themselves as provinces, not as nations. Secondly, it is reasonable to suppose that Durham did not wish to rouse unnecessary opposition to his very drastic proposals. He was provoking much criticism by his recommendation of real parliamentary government for all colonies capable of parliamentary institutions; to suggest a fiscal freedom that would inevitably mean diverging colonial tariffs would concentrate against his views not only conservative but a good deal of free-trade feeling. Great Britain had at the time a partial system of Colonial Preference, but Free Trade was obviously coming nearer, and once it were adopted the whole situation would change. Buller and Wakefield were themselves Free Traders and welcomed even on imperial grounds the abolition of the corn laws. The fiscal reservation made by them and Durham was soon swept away, and far more by the British Parliament between 1845 and 1850 than by any protest, like Galt's celebrated one of 1859,[1] from a colony. Incidentally the destruction of Colonial Preference, though it meant a further step in political emancipation, was not much liked in Canada, where it provoked the Annexationist manifesto. Imperial control of colonial tariffs was thus not so much a permanent reservation as a recognition of existing facts: it did not clash with

[1] Egerton and Grant, *op. cit.*, pp. 349–51.

the colonial needs of 1840, but with others that grew up later. When the colonies felt it a burden they had only to press against a door already unlocked by Peel and Cobden.

The argument that the Durham group advocated a very limited autonomy is based more on Lord John Russell's interpretation of the *Report* than on the words of Durham and his associates. It is bolstered by the Metcalfe conflict, and ignores the fact that the final arbitrament between Metcalfe and his former ministers was given by the decision of Canada, not of Great Britain. That was exactly the way in which Buller argued such a quarrel must be settled. But that conflict, and the fact that the Colonial Office and British politicians did not immediately grant every request for increased powers made by colonial cabinets has led many historians to find constant grievances in the years 1840–70: they are unwilling ever to let the Downing Street dogs have the best of it, and they minimize the concessions that were made and the foresight that made them.[1] In taking this line they overlook several important points.

The chief one is this, that the institution of responsible government involved not a single relationship but two. One was that of colonial ministers and colonial parliaments to the Governor. The second, which followed from the first, was that of the colonial parliament to the British Government.

[1] For this note of grievance see especially Sir Robert Borden, *Canadian Constitutional Studies*, pp. 28–53.

Before responsible government came these relationships were virtually identical, after it they diverged. As long as the Governor controlled the policy of his administration the general question of colonial powers could seldom arise in acute form, for when the Governor resisted his assembly's demands he rather than the Colonial Office was attacked. He could not give way for he was tied by his instructions and directly responsible to the Secretary of State ; if he allowed the assembly to trespass on the sphere reserved for imperial decision he was recalled. The result was, as Buller said, to light the fire and stop up the chimney, to give the assembly vague powers but deprive it of all responsibility. This was the system destroyed by the colonial reformers, but its destruction brought new problems. When the initiative in framing policy had passed from the Governor to his ministers, these sought the approval of the assembly rather than that of the Governor, and there came the time, foreseen with gloomy foreboding by Lord John Russell and Lord Stanley, when subjects reserved to the government of the Empire were trespassed on one by one, and the Governor had no alternative but to give way. The colonies were in fact growing slowly into nations and demanding national powers. That the problems which ensued were settled generally without much friction is something of a tribute to the statesmanship of colonial ministers, Governors, and even the Colonial Office.

The relationship of the Governor to his assembly

was the first problem; Durham, Buller, and Wakefield all dealt with it. To them the question was easily answered: the relationship should be similar to that of Crown to Parliament in Great Britain. Now the British constitution was not in 1840 what it had become by 1910; this rather important fact is often overlooked. That constitution possesses in a high degree the power of motion, and the relations of Cabinet to Crown, Commons to Cabinet have been radically changed. Colonial historians often ignore this fact and by doing so find a grievance where none exists. The Crown was in 1840 held to have power in unspecified circumstances to dismiss a government. It was generally, though erroneously, thought to have exercised that power in 1834, when in fact Melbourne conspired with William IV to go into opposition. Victoria's dislike for Tory ladies had led her in 1839 to exercise a not dissimilar power; by her action then she kept the Whigs, who had resigned, in office, and Peel out of it, for over two years. If the Crown had such powers in England it seemed obvious to all men that the Governor must have similar powers in a colony. Therefore Buller's pamphlet specifically allows the Governor an appeal from his ministers to the people; the old appeal, to the Colonial Office, is cut off and this new and more democratic one substituted. Thus Buller could conscientiously and logically support the opposing policies in Canada of Bagot and Metcalfe: Bagot virtually dismissed a Conservative Government and was upheld by the assembly, Metcalfe disagreed

with a reform ministry possessed of a secure majority, appealed (though only after an interval) to the country, and won the election. Neither Wakefield in Canada nor Buller at Westminster knew what every reader of Metcalfe's letters now can see, that while Metcalfe always denied that he was opposed to responsible government, and claimed to be saving Canada from republicanism and a spoils system, he did in fact interpret responsible government so as to make it nugatory. But he played the game by the rules laid down in advance, he staked all on an election and won: his late ministers by their ignorance of cabinet conventions were led into rash demands and a personal attack on their Governor, who was just able through their mistakes to gain a majority. If the people of Canada should turn against him they had the remedy in their own hands.

British support of Metcalfe, which took the form only of words and a title, is clearly not a valid Canadian grievance, even though Metcalfe was in the wrong, for it was Canada that decided the quarrel. But the attempt to make the Governor fill exactly the same relative position as the Crown was proved by time to be no easy one. The monarch had a life tenure: the Governor had not; the monarch reigned in his own right: the Governor was but a temporary representative; finally, the monarch could make any concession he chose without further ado, for he had no superior: the Governor remained subject to instructions and impeachment. Differences could be settled in England by

private conversation and the public only heard of them in unguarded talk or when they proved insuperable. In a colony such differences involved delay, reference home, the passage to and fro of dispatches; and they were certain to become widely known. Demands made by one colonial government could not always be conceded out of hand, for a precedent created in Nova Scotia might have to be applied in New Zealand, hence one reason for delay: another was the natural reluctance of a big government department like the Colonial Office to give any ruling at all unless forced to do so. These causes helped to create an atmosphere of friction and grievance that lingers in the histories even now, when the codification by precedent of a Governor's powers has removed most causes of dispute.

What the reformers thought of the second relationship, that of colonial parliament to imperial government, is most clearly explained in Wakefield's article. He defined colonial government as municipal in essence, merely an extended form of local administration. In a pamphlet he used the phrase 'Canada, which is a municipality'. This serious misconception seems to have been shared by Buller, though he was concerned mainly with other things. From it follow important deductions. You cannot with any finality say to a nation 'these are your powers: thus far you shall come but no farther'; but this can be and is said to a municipality. Local government has, too, an essential difference from national government. It is concerned primarily with administration, not with legislation; its chief

needs are efficiency and dispatch. No men ever had a greater passion for efficiency in government than Durham and Buller. They saw that the colonies wanted above all else public works and control over their own executives, that they were not asking for power to legislate in strange fields, and they tried to meet a definite demand. Every province should control all subjects not reserved for the Imperial Parliament. The size of a province did not matter—in fact Buller wished to unite all British North America in one—it would still remain a province, not a nation. Within it there should be small self-governing units, each in charge of purely local functions; for the reformers stressed the need for democratic local government quite as hard as the need for cabinet responsibility. The parallel to the Colonial problem was, they thought, to be found in the municipalities reconstructed by Imperial Act in 1835 rather than in the Irish demand for Repeal: for Ireland claimed to be a nation, while in Canada nationalism meant French-Canadian racialism, condemned by Durham as sterile and backward. The colony, a glorified municipality, should control and unify the smaller and purely local units into which it was necessarily divided. Any nationality the colonies would have must be British, not Canadian nor Australian; in fact the political framework that was to prove the skeleton for national feeling was almost totally lacking in 1840. The reformers' conception took no account of what we now consider the dominant theme of nineteenth-century history, the rise of self-conscious nationality

and its demand to be represented in political organization, but that theme was not so apparent in 1840 as it became eight years later. Wakefield's municipal analogy proved to be unsound, but at the time there was much to be said for it. The demands of most leaders in Canada were for some years limited to provincial autonomy: if Wakefield did not see the future, neither did Joseph Howe, who expressed almost the same views, and found in Liverpool his parallel for the government of Nova Scotia.

Lord John Russell's foresight proved greater than Wakefield's. Russell held the Whig view that imperial sovereignty could only be preserved by the concentration of all powers in Parliament, and that autonomy once conceded in a country too distant for effective limitation would grow into national independence. On the whole he was right, though the process took longer than he had anticipated. That the Dominion independence of our present system has not meant Dominion separation is beside the point: the sovereignty that Russell thought essential to imperial unity has in fact been destroyed. It may be said of the reformers that they had greater wisdom in colonial matters than Russell, but rather less understanding. After the application of responsible government came the gradual extension by separate provinces of their powers until these powers were more than a province could properly exercise, though less than a nation must need. Then followed coalescence of these provinces into national states and the acquisition of still further powers. At the

present day only two of the units for which responsible government was designed still exist as separate entities—Newfoundland and New Zealand ; the rest have been swept up into the national organizations of Canada, Australia, and South Africa. The change took more than a generation : it was not and could not be foreseen in its completeness by the reformers.

About the way our present system began much loose language has been and still is used. We are told, for instance, that the British Empire made a great discovery in the nineteenth century ; the discovery that sovereignty is divisible.[1] The modern desire to beat the sovereign state about the head, with any argument as bludgeon, leads to much sterile dispute on the meaning of words, and a good deal of vague talk about some undefined new ' synthesis ', when what is really needed is analysis. Those who reason in this way show both ignorance of terminology and confusion of thought. Not sovereignty but powers have been and are divisible, as is shown by every federal constitution : sovereignty cannot be divided though it may be destroyed. Dominion writers who maintain its divisibility are at bottom aware of this, and generally proceed in a few breaths to claim it undivided for their own countries. But even were the statement true, had

[1] See *The Canadian Historical Review*, December 1922, p. 368 ; review by Professor W. P. M. Kennedy. The Preface by F. C. Montague to the re-edition of Bentham's *Fragment on Government*, pp. 59–90, expounds the orthodox doctrine in relation to the Empire.

the real ultimate sovereignty of Canada been divided, and not as it has been, transferred to the Dominion, there is no doubt what those who sponsored the new system of imperial government would have said on the question. They argued for autonomy, not for colonial sovereignty. Durham and Buller devoted page after page to establishing the view that control by a colony of its domestic affairs did not and could not interfere with Parliament's supremacy. Their principle was municipal, not national. They overstressed, as men do, their analogy, and some ten years later it was clear that they had done so. Disraeli, who had taken no part in colonial reform, who was profoundly indifferent to agricultural colonies without an oriental glitter, saw this when the question was settled and provincial self-government established in Canada, promised to Australia. In 1851 he wrote to Derby that the colonial reformers 'have only been busying themselves with the municipal principle, and dissolving the Empire by mistaking it for what they call local government'.[1] His remedy—devised to increase the number of Conservative voters in a division—lay in what those who mistake names for thought call imperial federation, the simple introduction of colonial members to the House of Commons.

This was to mix in one legislative body that was at the same time a local and an imperial parliament,

[1] Letter of 18th December 1851. Buckle and Moneypenny, *Life*, vol. iii, p. 334. For Disraeli's motives see p. 333, his letter of 9th December 1851.

men who were primarily interested in British local matters and men who had neither the right nor the knowledge to meddle in anything but general questions. The reformers had studied colonial problems too deeply to think that a sprinkling of oversea members at Westminster could by itself solve any question: they saw that autonomy was the first step and worked for it alone. Thus they laid the necessary foundation for whatever superstructure might be built, Imperial Federation, formal independence, or the maintenance of the present system, just as they laid the foundation for Dominion nationality. They thought that their foundation was the whole building, and in this they erred. They did not foresee equality of national status between Dominions and Great Britain, they did not realize that the autonomous provinces they favoured would merge and grow into nations, they did not anticipate the imperial problem of to-day. But they made a genuine, well-reasoned, and on the whole successful attempt to meet the difficulties of their time. Before the new problems created by their solution had arisen they were dead or gone from politics.

# RESPONSIBLE GOVERNMENT FOR COLONIES

LONDON: JAMES RIDGWAY, PICCADILLY, 1840

## ADVERTISEMENT

EXCEPT a portion of the Introductory Chapter and the Conclusion, which are chiefly new, the following pages are reprinted from a series of papers written week by week for the *Colonial Gazette*, and published in that newspaper in the months of December, January, and February last. Though originally intended to elucidate and apply a doctrine of Lord Durham's Report, that had been often misunderstood and misrepresented in the strife of party politics, the papers were based on principles of the widest range; and while their appearance has been welcomed in the Provinces of British America for their bearing on questions of the highest interest to those countries, they have been received with equal favour in the West Indies as a contribution to the cause of good government in all the Colonies. To aid in this object, and preserve them for reference, they are now collected, revised, and published in a compact form.

LONDON,
*April* 16*th*, 1840.

# I

## INTRODUCTORY

While the public are every day becoming more and more alive to the advantages of Colonies, the Government and Legislature seem more and more disposed to regard them as mere subjects of difficulty and annoyance. Every year they occupy an increasing portion of the attention of Parliament: but it is only to present harassing and insoluble perplexities to its notice. With every addition to their population, and its intelligence, with every improvement of our communication with them, and with every enlargement of our general knowledge of them, we only get more ample evidence of their grievances and their discontent. A large portion of these communities are robed in the silence and obscurity of an essentially arbitrary form of government: and their policy is determined, without reference to public opinion, in the secret deliberations either of the Colonial Office at home, or of close councils in the Colonies composed of the nominees of the Governor. Yet even in these Colonies the discussions carried on through the press reveal to us the existence of constant dissatisfaction at the policy of the Government: and the intense excitement occasioned by grievances of more than usual magnitude, every now

and then gives rise to motions in Parliament, that inform us of little but the fact that dissatisfaction exists. But where, apparently, the freest institutions have been accorded to a Colony, the content and harmony, which are the usual results of freedom, are still less to be found: the representative bodies appear to be only more efficient organs of at least equal discontent: and the popular voice is heard in one wearisome monotony of complaint. Theirs at least is no tranquil and patient suffering: and when they find remonstrance and impeachment unavailing, they compel the attention and interposition of Parliament by stopping the supplies, and obstructing the whole course of government and legislation.

It is not at all difficult for Englishmen to be persuaded of the misgovernment and dissatisfaction that must exist in any country in which the people have no voice at all in the making of the laws. But we have got into a habit of considering the privation of free institutions as a necessary incident of the infancy of colonies: we yield a lazy acquiescence in this period of mismanagement and disorder, in some vague anticipation of a period in which Colonies become what is called 'ripe' for Representative Government: and we are still more reconciled to the existence of a form of government in our Colonies which is the most repugnant to all the feelings of Englishmen, from observing that Representative institutions only seem to *increase* disorder and misrule. There are not wanting wise saws and vague

theories, to account for this anomaly in the way best calculated to save us the trouble of investigation and reform. We are told that Colonies ought not to have Representative Governments: and a large number of our official wiseacres have admitted it as one of the axioms of their new political philosophy, that no Colony should enjoy any share of self-government until it becomes strong and discontented enough to achieve its entire independence.

It is not at present our purpose to inquire into the general principles of Colonial government; to examine at what period of its existence a colony becomes fit for representative institutions; or to determine whether now, any more than in former times, any colony of Englishmen should be for any period deprived of those free institutions which they regard as their birthright. Our object at present, is to inquire into the anomalies that present themselves in the working of *representative* institutions, and to discover the cause that renders them sources of additional disorder rather than guarantees of good government in our Colonies. It is not at all difficult to discover this. The complaints of the represented Colonies all point to the same evil: their struggles are all for the same object. The Assemblies everywhere complain that they have no influence on the Executive: that the laws which they make are administered—the supplies, which they vote, applied —and, in fine, the whole internal policy of their community directed, by persons in whom they have no confidence, and over whom they have no control.

They complain, further, that the government, not thus subjected to a due responsibility to them, is under an undue control on the part of a distant authority, equally irresponsible to the public opinion of the Colony. All their discontent really originates in these two evils: all their struggles are to obtain what they call Responsible Government in the Colony, and to prevent undue interference on the part of the Colonial Office in Downing Street. They want to have in their own hands the control over their own Executive; and what they ask is certainly nothing more than what experience has taught us to be a necessary incident of representative institutions everywhere.

When Sir Robert Peel said—'The battle must be fought in the Registration Courts', he expressed the principle of Responsible Government. He warned the Conservative party, whom he was addressing, against overstraining the power of the Crown or the House of Lords; assuring them that it was impossible for any administration permanently to retain power in this country, without enjoying the confidence of a majority of the Representatives of the People. Until then the more eager and thoughtless of his party were disposed to rely on the favour of the Crown and Lords as a means of governing in spite of the Commons; since then, the aim of the whole party has been to obtain a majority in the Representative body. The leader's doctrine and the party's consequent course have been both eminently constitutional. Ever since this celebrated

warning, they have abandoned all thought of an Executive not supported by the House of Commons. They are perfectly assured that whenever they obtain a majority in the Commons, men of their party will fill the executive offices, and govern the country according to the views of their party; but that, whatever may be the disposition of the Lords or Court, they will do so no sooner. This is the main principle, or rather, the most important usage of the British Constitution—the Executive cannot for a long time differ from the majority of the Representative body.

This doctrine holds good wherever the principle of representation is admitted; and that principle only works well when this practice is strictly observed. Wherever the principle of representation is admitted but the practice not observed, there the principle of representation works all manner of mischief. A volume might be filled with examples of both sorts—of the smooth working of the representative principle when the executive policy has been agreeable to the constituent body; and of the derangement of every representative machine which has wanted the wheel that produces agreement between the constituency and the executive. Herein lies the whole secret of the smooth working of the British constitution since 1688: here is the true explanation of the failure of almost every attempt in any part of the world to imitate that constitution. In France and Spain the sovereigns of those countries have, since the adoption of representative institutions, gone on in their

old way of taking out of their household, or from among the clerks of the public offices, the members of a ministry whenever necessity or caprice has induced them to make a change. A new French ministry used to consist of men whose name and existence the Gazette that announced them as members of a cabinet first notified to the world. By degrees experience has occasioned some approximation to the British practice. But a rude experience was necessary. For the deposition of Charles X was the result of his obstinate determination to carry on the government with a ministry which he could get no Chamber to support.

The principle of a responsible executive is indeed more familiarly tested by a reference to numerous constitutions which have no concern with matters of State; such as municipal bodies and commercial companies, in which the burgesses and shareholders have a voice in the management of their affairs. No man of common sense could suppose such bodies to go on well except by means of the constant responsibility of the executive to the body of electors. Nor is there one of them that has not been in a state of hot water as long as an attempt has been made to conduct its affairs in a way not approved by the burgesses or shareholders. Many governments have worked tolerably well without representation, and many institutions have worked tolerably well without shareholders or voters. For power without representation is not so great an evil as representation without executive responsibility. It is better

to be without a fire, than to have a fire without a chimney.

*For what purpose* is representation given? What is its object? It has no other object, it can have no other, than to give the people a control over that alone which ultimately affects them—their executive government. Popular representatives do not meet for the purpose of merely talking and passing resolutions or bills: they are elected as the organs of the people for the purpose of rendering the whole of government constantly agreeable to the people. This is the use of an Assembly. Now the Colonial system is to create the power, but forbid its use. The certain consequence is an abuse of the power. The Assembly, prevented from performing the function for which it was created—deprived of control over the ultimate results of government—becomes a revolutionary body, and does little or nothing but violently assail the Executive, which it would have found wholesome occupation in directing. The Executive returns blow for blow, until thoroughly beaten, and then calls out for help from the Mother Country. Such is the history, past, present, and future, of every Colonial government in which the principles of Representation and Executive Irresponsibility are placed in permanent opposition to each other.

In the Old Colonies of England the principle of a Responsible Executive was fully adopted,[1] and

[1] The Reformers' ignorance of pre-Revolution American history led them, especially Wakefield, to make statements of this kind, which are in direct contradiction of facts.—W.

was in some of them carried practically to the extent of allowing those who elected the Assembly to elect the Governor also. The Local Executive was thus kept in perpetual harmony with the Popular Representatives; and it may be remarked of those Colonies, that the Crown of England had no more loyal subjects than the people who lived there, until the attempt was made to tax them without their consent.[1] In all the present British Colonies of North America we have pursued a different system, giving Representation but withholding Executive Responsibility. We thereby, as it were, provided for the unceasing contests which have more or less prevailed in all these dependencies between the representative body and the holders of office. We have made the fire but stopped the chimney. We have produced just such a state of things as Sir Robert Peel supposed would result here from attempting to administer government as if there were no House of Commons: it may be termed a state always verging on revolution. We say nothing here of the miserable inefficiency of the irresponsible Executives of the North American Colonies—of the way in which they have mismanaged and wasted the resources of the fine countries submitted to their rule; for that subject scarcely belongs to the present question. The present question is, whether the verging-on-revolution state is to continue or is to make way for a peaceful and stable order of things.

[1] This misleading statement is due partly to ignorance, partly to the usual wish of reformers to praise the past at the expense of the present.—W.

## II

## WHAT 'RESPONSIBLE GOVERNMENT' IS, AND WHAT IT IS NOT

Great pains have been taken by those active and influential persons whose emoluments or importance would be lessened by the adoption of a good system of government in the Colonies, to misrepresent the meaning of the demand for Responsible Government. The term 'Responsible Government' is certainly general and vague. It may mean various kinds and degrees of responsibility; it may denote a responsibility carried to precisely the same extent and guarded by the same guarantees as that of the Executive of this country; it may mean a responsibility carried to an extent and enforced by means repugnant to the spirit of our Constitution. The opponents of the principle take advantage of the vagueness of the term in order to give it the latter of these two characters. Sometimes they content themselves with effecting this purpose by mere vague insinuations. They give a wise shake of the head, and mutter something about the 'Republican' nature of the doctrine; or, if they delight in what is called 'strong' language, they turn to and rail in good set terms about rebels, and Mackenzie and Joseph Hume.[1] Sometimes they condescend to give

[1] This refers to Hume's letter to Mackenzie in 1836, where

a reason for their faith as to the character and tendency of the principle; and that reason is generally an utter and gross misrepresentation of facts. They assert that a 'responsible' means an 'elective' executive; and that the responsibility proposed is that kind which prevails in the various States of the American Union, where every officer of government is appointed either by the direct vote of the people, or by that of the representative bodies of the State.

It is no wonder that misrepresentations such as these, made with the utmost confidence and repeated with the utmost assiduity, should mislead a great number of persons on a subject about which so few in this country take the necessary pains to get correct information. Those who make these assertions rely on the indolence of those to whom they address them, and count on their adopting them without examination; for the slightest examination would dispel all misapprehension and even doubt on the subject. Among those who in this country or in the Colonies have made 'Responsible Government' their political watchword, there has never been the least difference of opinion as to the object in view: all have confined themselves to demanding that the Crown, while retaining the present unlimited choice of its servants, should nevertheless make a practice of selecting them from among those who possess the confidence of the Legislature. No one has ever pro-

Hume used the phrase 'the baneful domination of the mother country'.—W.

posed a legislative enactment with a view to enforce the principle. It has been seen that the practice of governing by means of those who command the confidence and cöoperation of the Legislature, must be established, not by acts of Parliament, but by the good sense of the Crown, impelling it not to make a particular concession at this or any other particular moment, but to adopt a general rule of action as essential to the efficient administration of the government as to the contentment of the people.

Lord DURHAM'S report has come in for its full share of the misrepresentations directed against all the advocates of Responsible Government: yet it would be impossible for any candid man to misapprehend what the High Commissioner means by Responsible Government; and indeed the most uncandid have never ventured to quote any passages from that Report to justify their interpretation of its purport. The inherent vagueness of the term can throw no doubt on Lord DURHAM'S meaning, because he does not use the phrase of Responsible Government until he has fully explained his meaning without it. He reports his observations, draws his inferences, and suggests the alteration which he advises in the present system of administering the government. It is only after thus explaining himself, that he remarks that the conclusion at which he arrives is the same as that which the Reformers of Upper Canada had in view in their demand for Responsible Government.

The Report states that a great part of the disorders

and discontents of the British North American Colonies resulted from the state of variance in which the Executive and the Representative bodies constantly were. It asserts and proves by a reference to the past history of all these Colonies, that the usual state of government in them seems to be that of collision between the Executive and the Representative body. 'In all of them,' it says, 'the administration of affairs is habitually confided to those who do not cöoperate harmoniously with the popular branch of the Legislature; and the Government is constantly proposing measures which the majority of the Assembly reject, and refusing its assent to bills which that body has passed.' The report traces the bad consequences of this state of things—the constant struggle which takes the place of cöoperation, the weakening of the Executive, and suspension of all the legislative functions, and the consequent misgovernment and irritation of the community. Such consequences, it infers, must always result when you attempt to administer a government which requires the cöoperation of a representative body, by agents who do not possess the confidence of that body. It concludes, therefore, that in the colony which has a representative form of government, you must adopt the same principle of government as that on which affairs are conducted in the Mother-country; that you must 'facilitate the management of public affairs by intrusting it to the persons who have the confidence of the Representative body'. This it asserts to have been what

the Reformers of Upper Canada desired, when they asked for a Responsible Executive. The Report admits that there were some who, under the name of *responsible*, demanded an *elective* executive: but adds—'an elective Executive Council would not only be utterly incompatible with Monarchical government, but would really, under the nominal authority of the Crown, deprive the community of one of the great advantages of an hereditary monarchy. Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the Colonial Governor to be instructed to secure the cöoperation of the Assembly to his policy by intrusting its administration to such men as could command a majority; and if he were given to understand that he need count on no aid from home in any difference with the Assembly that should not directly involve the relations between the Mother-country and the Colony. This change might be effected by a single despatch containing such instructions.'

Nor has Lord Durham, in order to secure this responsibility, which he designates as 'a change which would simply amount to this, that the Crown would henceforth consult the wishes of the people in the choice of its servants', proposed any provisions calculated to give the popular body a more direct voice in the nomination of the officers of the Executive. 'The responsibility to the United Legislature,' he says, in his final recommendations, 'of all the officers of the Government, except the

Governor or his Secretary, should be secured by every means known to the British constitution. The Governor, as the representative of the Crown, should be instructed that he must carry on his government by heads of departments, in whom the United Legislature shall repose confidence; and that he must look for no support from home in any contest with the Legislature except on points involving strictly Imperial interests.'

In this last sentence is contained the whole principle of a free Colonial Executive. The Mother-country should never interfere in the administration of affairs in the colony, either in the legislation on which the Assembly is bent, or in its preference of one Colonial party to the other, but should let the Governor and Assembly get on as they best may, passing such laws, and administering affairs by such parties as they may agree on between themselves. The only exception is, when the course of legislation adopted in the Colony conflicts with the interests of the Mother-country. In these cases, which might be defined, it must oppose itself to the wishes of the Assembly: in all others it should let the business of the Colony be carried on by the powers in which the constitution has vested the government of the Colony; allowing the Governor to use his constitutional powers to influence the legislation of the Assembly, and allowing the Assembly to make use of its constitutional powers to influence the course of the Executive. The Governor would, in fact, stand in the position of the Crown at home; and it is

difficult to make out why the prerogative which suffices to maintain the balance of power at home, should not be equally competent to uphold it in a Colony.

This is a division of power of which the maintenance depends upon circumstances and the prudence of the parties. Sometimes the Executive must take the first hint on the part of the representative body, and dismiss its advisers on the first indication of the hostility of a majority. Sometimes, again, it may with perfect safety make a long resistance to the majority, wait for repeated declarations of their will, and not submit even then, unless it finds on trial that they are backed by the people. The late King did not dismiss Sir ROBERT PEEL in 1835, until after several hostile votes of the House of Commons. In 1784, George the Third maintained Mr. PITT for some months in despite of a hostile majority of the Commons, and then dissolved that Parliament, appealed to the people, and obtained a House of Commons disposed to support his Ministers. But at the commencement of Lord LIVERPOOL'S Administration, a still more remarkable exercise of the authority of the Crown was witnessed. A majority of the House of Commons, on the motion of Lord WHARNCLIFFE, then Mr. STUART WORTLEY, addressed the Prince Regent to form a strong and efficient Administration in place of the Ministry then existing. This vote was carried by a bare majority, composed of the most heterogeneous materials. It appeared quite clear that no Ministry which might be formed

would be likely to possess greater or even equal chances of stability; and a prospect offered of rallying round Lord LIVERPOOL'S Government some of those who had on this occasion condemned it. The Prince Regent, therefore, did not act on the vote: the Ministry continued in office, and gradually acquired strength; and the result was, that the Ministry of the longest duration and most stable authority ever known in this country since Sir ROBERT WALPOLE'S, was the one which received this rude blow at the outset. It is impossible to define the contingency on which the Crown or its representatives should be bound to remove a Minister in compliance with the wishes of the Representative body. No law, no precedent, can exactly fix it: it must be settled in Colonies, as in the Mother-country, by the mutual strength, determination, and prudence of the two parties. If left to themselves, their necessities must bring about an arrangement of which harmony will be the result. All that is wanted is, that the authority of the Mother-country should not be interposed in order to retain in office persons who can get *no* Assembly to adopt their course of policy.

Such is the whole aim and object of the Colonial Reformers who seek 'Responsible Government'. No one will venture to deny its perfect accordance with the spirit and practice of the British constitution. Nor is it possible to show how representative government can harmoniously be carried on without adopting it. If you want the assent of a repre-

sentative body to the policy of government, there is no other way of insuring harmony between that policy and the feelings of that body, than that of always intrusting the administration of affairs to those who can obtain the concurrence of the majority. This is one of the necessary consequences of representative institutions: it is just as necessary a consequence of representative institutions as the predominance of the majority is. And if, as we hear loudly and confidently asserted, Responsible Government is incompatible with colonial connexion, the only inference is, that representative institutions must be utterly incompatible with colonial connexion.

But before we discuss this latter question, it will be proper to examine what there is in the nature of colonial connexion, that should prevent the administration of affairs in colonies being intrusted to responsible heads of departments, or should render it unwise to select these heads of departments from the party that has the majority in the representative body. This is a question which affects not merely the Canadas, but every colony in which representative institutions are established. All suffer alike from the dissensions, from the corruption, from the absolute stoppage of the machine of government, which are the inevitable results of maintaining an executive utterly irresponsible and obnoxious to the people of the colony. To these incidents of a colonial connexion we advert in a separate chapter.

## III

## COLONIAL DEPENDENCE CONSISTENT WITH RESPONSIBLE ADMINISTRATION

THERE seems to be something in the term 'Colonial dependence' peculiarly gratifying to national vanity. We assert for ourselves the utmost degree of self-government: we maintain that the rights of Englishmen are so inalienable that we carry them to the remotest regions of the earth, and that in India and Australia the British settler cannot rightfully be even fined or imprisoned, except in conformity with the law of England, and under the sanction of the verdict of a jury: but when we come to speak of the communities formed by those Englishmen, of whose individual rights we are so tender, we are apt to be far less liberal. When the question is, whether these, like the great community from which they are offsets, shall be allowed to manage their own affairs, and to point out in what spirit and by what kind of persons they wish them to be administered, we are constantly met by this vague term, and these indefinite notions of colonial dependence, and told that in order to preserve the due relations between the empire and its dependencies, Englishmen who settle in the Colonies must be content to be governed in a manner the most repugnant to every notion

that education and custom have implanted in their breasts.

Now it is not to be denied, that to a certain extent there is truth in the doctrine that a colony must in some respects be entirely subordinate to the legislature of the mother-country; that there are certain affairs on which the people of the United Kingdom have a voice, but on which those of the colony can have none. There are some questions of frequent occurrence which must be settled for the whole empire by one will; and the will must needs be that of the Imperial Government. A colony of England cannot be at war with a foreign state with which England herself is at peace, or at peace with one which is at war with England. The foreign relations of all parts of the empire must be the same, and must therefore be determined by the same mind. Hence we allow our Colonies no voice, no legislative power, with respect to foreign affairs. The relations of each colony with the rest must, in the same way, be settled by one common authority. We cannot allow Jamaica to prohibit imports from Canada or Australia. Nor can we allow a colony to have a voice contrary to our own on any question connected with the great interests for the promotion of which Great Britain maintains her Colonies. We cannot allow a colony to interfere with the immigration of British subjects and the disposal of its unoccupied lands, or the trade with Britain.[1] None will dispute the pro-

[1] These subjects are specifically reserved for the Imperial Government in Lord Durham's *Report*.—W.

priety of colonial dependence in these matters. In respect to them all admit the necessity of rendering the colony entirely subject to the will of the mother-country. These are matters on which the Imperial Legislature has parted with none of its legislative authority: and the persons by whom its laws for the regulation of these matters are to be administered, must of course be responsible to the Imperial authority for their administration.

But again, on the other hand, it must be admitted that there is a large department of Colonial affairs on which the interests of the colony are so entirely distinct from those of the empire at large, that the Imperial Government has very wisely left to the Colonies the sole legislative authority with respect to them. Of course we have an interest in all these matters: it is our interest that every colony in connexion with us should be governed by laws which shall secure its prosperity. But it has been held, and wisely held, that in all matters affecting immediately the relations of the colonists with one another—affecting their own internal condition—their stake is so much greater, their attention so much more constantly excited, their means of accurate information so much more complete, and their interest in avoiding error so far more immediate, that the best plan is to leave these matters entirely to the Legislatures which we have established in the colonies themselves. We leave to them the entire regulation of their civil and criminal code, of their expenditure, and of the taxation by which it is to

be defrayed. The division between the two provinces of Imperial and Colonial legislation has been made on a very sound and very simple principle. On all points which immediately affect the empire at large, the Imperial Government retains its legislative authority; on all those which immediately affect the colony alone, it allows the colony to legislate for itself. Such are the limited legislative powers which the state of colonial dependence admits of our allowing to a colony. The question is, whether the maintenance of that dependence requires any greater limitation of the administrative than of the legislative powers of the colony—whether it is necessary that those who administer these very laws, the making of which we leave to the people of the colony, should be in no wise responsible to that people for the mode in which they administer them, and should not be liable to be displaced if the spirit of the administration be distasteful to that people. And we must say, that it is hardly possible to frame arguments for those who are unable at once to see the identity of the arguments by which the same amount of administrative as of legislative self-government is recommended for a colony. If it is right that the colonists should determine their own expenditure and assess their own taxes—if these are compatible with colonial dependence—it is difficult to conceive how colonial dependence can require that the financial minister of the colony should be appointed without any reference to the wish of the colonists. If colonial dependence is not impaired

by allowing the colonial legislature to make what civil or criminal code it chooses, how can it be affected by requiring that in the colony, as in England, the attorney-general shall be taken from the party which has the majority in the representative body? It seems to stand to reason, that on whatever points the mother-country allows the people of the colony to make whatever laws they choose, it can have no interest in preventing these laws from being administered by those persons in whom the people of the colony feel the greatest confidence. We admit the necessity of some limitations on the self-government of a colony. We admit that there are some departments of the ordinary business of government in which a colony must be subservient to the empire. But that subordination must be complete as far as it goes: it must be both legislative and administrative: and in so far as any degree of legislative independence is allowed, so far, it seems clear, the administration of affairs must be carried on in independence of the mother-country, in the fullest responsibility to the people of the colony.

This, it will be said, renders the colony in a great measure practically independent of the mother-country. It seems to us very desirable that it should be so. It cannot be alleged that we are inclined to depreciate the importance of colonies, or to recommend the severance of colonial connexions. But nothing seems to us so calculated to weaken the solidity of such connexions as that constant interference with the self-government of our Colonies,

which is recommended by some of those who pretend to be warm advocates of our Colonial system. It is in order that our Colonies may long continue connected with the empire, and be the source to us of those advantages which we believe to be the fruit of wise colonization, that we think that their dependence should be held by a very loose rein. It is in order to keep colonies, and to profit by them, that we would insist on their being allowed to manage their own internal affairs, and that the interference of the Imperial Government should be confined to the very few points on which Imperial interests are affected by what passes in the Colonies.

What these points are we have previously stated. But though it is necessary that the general doctrine with respect to the different interests of the empire and of particular colonies should be laid down in the general terms which we have used, it will be found on examination that the Imperial interests practically involved in the ordinary course of events in the Colonies, are few in number though great in magnitude, and very little liable to give rise to collision between the Colonies and the Mother-country. We are not speaking now of our Indian Empire, or of such possessions as Gibraltar, Malta, and the Ionian Isles, which we retain for political purposes, not for the ordinary objects of colonization. But looking at our Colonies properly so called —at the Colonies in most part inhabited by British settlers or their descendants, and retained for pacific purposes alone—it seems that the British interests

which require to be protected by the Imperial Legislature are very simple, and likely to be productive of little necessity for collision. We want colonies in order to have customers for our trade and a field for our surplus capital and labour. These are the sole objects for which we maintain colonies, and for securing which we are obliged to keep up our dominion over them. We are under the necessity of governing them, and of protecting them by our fleets and armies, solely in order that we may be sure of trading with them, and sending our emigrants to them. We need interfere with them solely in order to secure an advantageous trade, a ready access to our emigrants, and such a disposal of the lands of the colony as shall promote emigration into it. Practically there is little reason to apprehend collision on these points. Our ancient views of colonial trade are now so completely abandoned, that instead of our maintaining monopolies injurious to the Colonies, we sin against the freedom of trade almost entirely for the purpose of giving our Colonies an injurious monopoly of our own market. The Colonies are not likely therefore to come into collision with us on account of our legislation with respect to their trade. Nor are they likely to quarrel with us for sending emigrants to them, while labour is the great want of a colony, and our authority is exercised with a view of supplying that want. They will hardly object to our quartering our troops in them, as long as we pay the whole military force so quartered, and purchase from them our military supplies. And if

on these points they will submit to a degree of dependence which is chiefly for their own interest, we cannot make out on what other points it is at all necessary for us to interfere with the complete self-government of the Colonies.

If we are right in regarding the points in which Imperial interests can be affected by the management of affairs in the Colonies as so few and so simple, we need not be afraid of granting that executive responsibility which is a necessary part of representative government, on the ground of its being a concession incompatible with colonial dependence. The chances of collision between the Imperial authorities and a colony governed on right principles are really so few that it would be absurd to expose a colony to the certain disturbance of the march of government, which must result from the present system, in order to avoid the remote contingency of a collision on the few points on which the interests of the two parties may be at variance. We do not pretend that the system of colonial government which we think advisable, is free from all liability to be disturbed by the violence and folly of either of the parties. It is doubtless very possible for any one who will reason after Lord John Russell's fashion, to fancy extreme cases, in which a colonial legislature, by extraordinary usurpation, may render any rational system of government impracticable. But it would be difficult for Lord John Russell to point out any form of government which would work well, if we were to suppose all persons who had anything to do

with it so utterly destitute of common sense and common fairness as he is pleased to suppose that colonial legislatures will always be. Nor, of course, are we proposing a form of government, for ordinary times, which would not be liable to great mismanagement in any colony in which the majority of the people should be desirous of severing their connexion with the mother-country. If a colony were bent on severing that connexion, we care not whether the responsibility of the executive might somewhat facilitate the accomplishment of that purpose, since we are quite sure that the continuance of the present system would not prevent the same result. We look to the working of the proposed responsibility of the executive in ordinary times, under the influence of ordinary common sense, and supposing that the feelings of the colony are those of satisfaction with the continuance of its connexion with Great Britain. And in such a state of things we feel assured, that while the responsibility of the executive would render the colony practically independent of the mother-country in the management of its internal affairs, that increase of its independence would not in any way remove the necessary dependence of the colony in those matters in which it is requisite that the interests of the mother-country should be constantly had in view. The increased independence of the colony would rivet its connexion with Great Britain, by removing those numerous causes of collision that constantly arise in the practical working of the present system.

## IV

## CHRONIC ANARCHY OF IRRESPONSIBLE COLONIAL GOVERNMENT

From the arguments which we have used to prove that the concession of a Responsible Executive would be a concession neither incompatible with the practice of our own constitution, nor subversive of the authority of the Mother-country, it must not be inferred that it would not be one of great practical importance to the people of the Colonies. It would, in fact, determine which of the local parties in a colony should enjoy the management of affairs and dispense the patronage of the Government. How this is settled is a matter of not the slightest importance to the Imperial State. It can be of no consequence to any one in this country, which of the local parties, in the ordinary course of affairs in a colony, possesses power and gives the tone to its policy. It is merely a question between local parties. It is a mistake to suppose that in the Colonies possessing representative institutions, the higher offices of government are filled by persons from the Mother-country. The Assemblies of these Colonies have possessed a very sufficient control over their expenditure; and they have used this power in a spirit of such rigid economy as to have hardly any offices

which can be objects of desire to the British aristocracy or their connections. It is quite an error, therefore, to imagine that, except as far as regards the Army and Navy, these Colonies are nests of aristocratical jobbing, or that their government is administered by persons sent out to them from the Mother-country. Such is not the case. In all of them, or at least of those which possess a body of permanent resident proprietors, the government is almost entirely in the hands of colonists, who are either natives of the province, or have permanently domiciled themselves and their families in it. The question, then, is not by what race or by what kind of men the government of the colony is to be carried on: we are infringing on no systematic habit of managing affairs in these distant possessions by means of functionaries sent out from Great Britain. The whole direction of affairs and the whole patronage of the Executive practically, are at present in the hands of a Colonial party. Now where this is the case, it can be of no importance to the Mother-country, in the ordinary course of things, which of these local parties possesses the powers and emoluments of office. It is a question between the Smiths and the Johnsons of every little colonial community; and the present system merely gives the Home Government the power of retaining the Smiths in office though the Johnsons happen to possess most influence in the colony and its Assembly. This is a power which can hardly ever be of any value to us, because it can hardly ever be of the slightest conse-

quence to the Home Government whether the one or the other of the Colonial parties is in office. But it is of the greatest importance to the parties themselves. To the Smiths and the Johnsons of the colony, the question which of them is to be in office and which out, is one of the greatest importance. And by the people of the colony in general it is regarded with no less interest. There, as elsewhere, the names of the leaders of parties are connected with the conflicting principles involved—the various subjects of dispute between the two parties. Each judges of the tendency of the measures of the government by the names of the leading men who support or oppose them. And whatever may be the real merits of the policy of government, it will be idle to expect that it can be regarded with anything but suspicion and dissatisfaction, if it is seen to be directed by men who are regarded with general distrust, and to be opposed by those who give the tone to the public opinion of the colony.

The peculiarities of the social state of a colony, instead of rendering these causes productive of less evil in it than in the Mother-country, aggravate the irritation which must in any place arise from them. In these communities, social distinction is so rarely acquired in any other of the numerous roads to eminence which exist in an old and thickly-peopled society, that employment under Government is almost the sole means of elevating a man above his fellows. Hence office is sought by almost every colonist with an avidity which surprises an English-

man. In small communities, too, in which there are few distinct circles, and in which every man's history, person, and character are well known to almost every one of his neighbours, party disputes always run very high ; and in colonies, it may be very generally said, there is always a greater acrimony of party feeling than any that we are in the habit of witnessing in England. Such a monopoly of power as we have described is therefore much more irritating in colonies even than it would be in this country. And for the same reasons, it is used with more entire subservience to the interests of party, and in a more exclusive spirit even than here. So permanent is the tenure of power by parties in these colonies, that a man who is once in opposition can never hope to obtain power except by a disgraceful abandonment of his party and his previous professions. Thus, representative government exists in these colonies without the only safety-valve for the ambitions, and for the animosities of parties, which such a form of government necessarily calls into being. We place every person and every principle in the full light of representative government. No doubt is left as to the capacities of the individuals engaged in political strife, or the favour which they and their opinions find with the majority. We call in to the most active operation all the warmth of personal ambitions and rivalries, which the strife of free discussion generates. And thus we persist in retaining the whole power of government in the hands of persons whose weakness, whose incompetence, or at any rate

whose unpopularity, is no matter of mere supposition and surmise, but of everyday glaring and repeated proof.

We can understand how a government, impatient of having its will counteracted, and its power limited, may feel very repugnant to all those popular privileges which are apt constantly to thwart it, and may maintain, when it can, a system that, though it gives rise to general discontent, nevertheless renders authority independent of the popular will, and gives to the executive, at any rate, a temporary vigour. But this system of combining an unpopular Executive with popular Representation, is a device of which the obvious tendency, instead of enabling a government to do whatever it chooses, renders it, on the contrary, unable to do anything that it may desire. Whatever justice or the policy of the government requires a legislature to sanction, can only be carried into effect by the concurrence of the representative body: and this is pretty sure to be refused, wherever refusal is possible, to any measures proposed by those whom a majority of the legislature dislikes. As most men judge of measures, not by the nature of the thing proposed, but by the estimation in which they hold the person proposing it, we may be pretty sure that the mere fact of the counsels of the Crown being directed by the leaders of a minority, will be considered a very good reason for their being constantly frustrated by the majority. When the Crown chooses to conduct its business by the agency of men who are always found voting, like the

Executive Councillors in Nova Scotia, in minorities of the ratio of 1 in 6, it must make up its mind to do very little of its business. The whole history of the North American Colonies is an exemplification of this. For the last twenty years, throughout the whole of them, it has been but by rare intervals that the Crown has ever been able to get either its money voted, or its bills passed as it wished. Throughout that period, its policy has been thwarted by a refusal of the one, and a rejection of the other; and its only means of asserting its power and gratifying its revenge, has been by completing the general stoppage of public business by a refusal of its assent to whatever bill or suggestion of any kind has emanated from the Assemblies.

It is not, however, merely its unpopularity that renders the irresponsible executive of a colony an inefficient instrument of government. The tendency of such a system is to render the tenure of all administrative offices permanent. When the Crown will not remove its officers, for the simple purpose of bringing its policy into accordance with that of the representative body, it cannot remove them, except on some ostensible ground of absolute incompetence or misconduct. Accordingly, an Attorney-General or Executive Councillor is rarely or never displaced, except in case of a promotion of the former. Those who are acquainted with the language of these officials, know that they regard the tenure of their offices as permanent, and that such in fact it practically is. And though the possible number of the

Executive Councillors is unlimited, or at any rate large, the very circumstance of their irremovability renders it necessary for a governor to be so cautious about making any appointments, that the number is generally kept very low. The majority consists therefore of persons who have been in office a long time, who have been appointed under circumstances quite different from the present, who belong to a past generation of politicians, and who possess the confidence and guide the conduct of no party in the state. The tendency of such a system is to vest ostensible authority in the hands of men who are supposed unlikely to use their permanent power in a spirit either of independence or of ambition; and men are generally selected for their unimportance and pliancy rather than for their abilities. Sometimes they are selected on account of the very qualities which deprive them of all influence over the representative body. A government whose supporters are in a constant minority in the Assembly, requires that its business should be conducted by a man whose assurance the adverse opinion of a majority cannot daunt. Audacity and invincibility are the first essentials of its functionaries. We see, accordingly, that the public officers, to whom the civil administration of affairs in the Canadas has been usually intrusted, have been second-rate lawyers, possessing no weight with the Assemblies, or even with the minorities in them, and peculiarly odious to the majority. The greater part of the Executive Councillors in both of these provinces are

persons literally almost unknown in the politics of the day. Some represent the opinions and parties of fifty years ago; some are submissive and obscure puppets of the official party; and perhaps one or two are members of an exactly opposite party, placed in office during some temporary adoption of a policy different from that of the government of the day, and retained there with the result only of perplexing, and perhaps even betraying, the counsels of their colleagues. If England were governed at the present moment not merely by Tories, but by Tories of the old and obsolete school of Lord Sidmouth—if not merely all Liberals, but all the real leaders of the Tory party were excluded from office, and the management of affairs vested in a Cabinet composed of the relics of Mr. Perceval's Ministry, with some second-rate Tory lawyer to manage their business in the House of Commons—this would be something like the state of things that has existed in the Canadas for the last twenty years.

Nor can we see how, while the principle of irresponsible government is adhered to, the occurrence of such a state of things can be avoided. Last session, Lord John Russell was pleased to say, in answer to a statement made by Mr. Buller as to the mode of managing matters in Nova Scotia, that he did not think it desirable that the government should be intrusted to persons who could get only such very small minorities to follow them. He even admitted that some regard should be paid to the wishes of the Assembly in the selection of the

principal public officers. But we must adopt one principle or the other; and if you will not agree that the party which has the confidence of the representative body shall always be intrusted with power, the tendency is that power should always be placed in the hands of persons most at enmity with that body. Lord Durham has described the tendency of the present system to build up a kind of permanent influence on the part of a particular knot of officials —the undue influence which such a body must always acquire over ill-informed and inexperienced governors, and the habitual collision in which they will generally be with the representative body. That tendency to collision must in the nature of things aggravate itself by continuance. When a Government knows that its officers will be unpopular with the Assembly for the simple reason that they are appointed without any reference to the Assembly's wishes and estimation of them, it will find it necessary to select those men who will show the boldest front in opposition to the majority. Offices will be given as the rewards of a thorough-going support of the Government in its contests with the Assembly; and while the minority is in office, the most active of its members will generally be the most frequently in collision with the majority. Circumstances may sometimes in a colony, as elsewhere, throw this power into the hands of men whose character may be moderate and conciliatory; but the tendency, aggravated greatly by the violence of Colonial politics, and the small amount of practical statesmanship

which public men in colonies acquire, must be to render the quarrel between the dominant party and the Assembly every day more irreconcilable—to make hostility to the Assembly a passport to office, and embitter that hostility during every moment of the tenure of office. The result is to generate the worst feelings on both sides. On the side of those in power, there is naturally engendered a spirit of exclusion and intolerance, and a disposition to share to the utmost the powers of government. The other party see themselves hopelessly excluded from office, while they feel themselves at the same time possessed of a power in the representative body which is quite sufficient to embarrass the policy of their opponents. Inclination and means tempt each party to an habitual use of its authority. And the result is the chronic anarchy which has during the last twenty years pervaded all those of our Colonies in which representative government is established.

## V

## ORDINARY OBJECTIONS TO RESPONSIBLE GOVERNMENT

The more reasonable among the opponents of Responsible Government do not pretend to deny that the existing system is productive of certain difficulties; but when these difficulties are found to impede the action of government at every turn, our demand of a remedy is met by a reference to some formidable consequences, which we are told will result from attempting to keep a Colonial Executive in harmony with the Legislature. These evils, it is true, are generally referred to in words of very vague though rather terrific import; and we rarely get anything but some jargon about 'Republican tendencies' and 'Monarchical Institutions', which can have but very little effect on those who are merely desiring to introduce into British Colonies the constitutional practice of the Mother-country. It is difficult to get at any more precise explanation of the dangers apprehended: and, indeed, the phrases to which we have alluded are the common-place phrases, by the like of which the few, who understand the bearing of any proposed reform on the abuses in which they happen to be interested, can generally enlist on their side the prejudices of the timid many, who dread every change without comprehending its

tendency. When we get beyond these general phrases, and can manage to compel our opponents to express their ideas in anything like definite terms, their claims appear to arise from some misconception either of the proper extent of Imperial interference, or of the machinery by which the authority of the Imperial government is enforced in the Colonies; or from some misdirection of their sympathies with the officers of the Colonial Executive, who will, as it is erroneously imagined, be exposed under the proposed system to attacks, from which it is still more erroneously imagined that they are at present protected.

If we are right in the view which we have taken of the proper terms of connexion between Britain and those Colonies in which Representative Institutions have been established, there is little ground for any dread of the Colonial Executive being brought into collision with the Colonial Legislature in consequence of the latter insisting on a course inconsistent with positive instructions transmitted to the governor from Downing Street. For, if our views are right, no such instructions ought to be sent on any subject except those which are expressly reserved from the jurisdiction of the Colonial Legislature. The course of a governor may undoubtedly be generally directed from home to the extent of advising the proposal of particular measures, the rejection of others, or the employment of particular individuals. The governor, instead of acting on his own opinion as the Sovereign does, may have his course suggested to him by the

Secretary of State; but then, he must act on those suggestions as the Sovereign here acts on those of her own conscience—that is, within the limits of constitutional possibility. Queen VICTORIA probably has her own opinions on men and measures; yet she has but a modified power of acting on those opinions. She possibly approves of the policy of the present Ministry with regard to Ireland, thinks that the Appropriation Bill ought to be passed, and that the Catholic Emancipation ought not to be repealed. She may think the maintenance of these opinions a matter of duty as well as of policy, and may make use of all her influence and customary authority to carry her views into effect. But there is a point at which it would become her duty to sacrifice not only her wishes, but her conscientious convictions on these matters, to the paramount interests of order and tranquillity. We may conceive the feeling of the House of Commons to be such that she might be compelled to give up all hopes of applying the revenues of the Irish Church to any but their present purpose; to dismiss Ministers on the maintenance of whose policy she may happen to believe the best interests of her empire to depend; and even (though this, we must confess, is a very extreme case) to give her assent to the repeal of Catholic Emancipation. These are the consequences of representative institutions and limited monarchy. So in a colony, a Governor might be compelled to give his assent to bad laws, to refrain from adopting good measures, to dismiss those whom he considers the fittest, and

to appoint those whom he may regard as the most unfit for office. It is better that he should do this than that he should have the power of doing otherwise; because, in the first place, it is about ten chances to one that the Assembly of the colony knows its interests as to men and measures better than the Governor or his adviser in Downing Street can, and is in the right on the matters in dispute; and secondly, because, even if the contrary be the case, the colony will be the sole or far the greater sufferer by bad officers and bad policy, and it is better that it should suffer from either for a while than that it should be subjected to arbitrary authority. Without saying, therefore, that the Colonial Office should give no instructions to governors—though certainly the less that it takes upon itself to instruct those who generally know more of the matter in hand than itself, the better—yet we do say that its instructions should never be *positive*, but always *conditional*. The Secretary of State may advise as to men and measures, but he should always limit his advice to what can be done. He should say, 'Pursue such a course, *if you can*; do not do such a thing, *if you can help it*; employ such persons, exclude others, *as far as the Assembly will let you*: in short, manage to get along with the Assembly as you best may: get it to adopt your policy, or do you adopt its policy. If you don't get it to go as I wish, from any fault of your own, and I have reason to think that another governor would succeed better, I may have to recall you; but if you get into

collision with the Assembly, and cannot get one better disposed towards you, then I certainly must and shall immediately recall you.'

It will be perhaps admitted that this would be the right course to pursue on all those points on which it is desirable that the colony should in fact be left to manage its own affairs. But then we shall be told, that there are points on which even we do not desire such practical independence; that we think that a colony cannot be allowed to treat with foreign powers—to regulate its external trade—to interfere with a military force entirely supported by the Mother-country—or to dispose of its waste lands, and impede immigration from Great Britain. Supposing the Colonial Assembly to attempt encroachment on these points, which is imagined to be very probable, it is not desirable that it should by its control over the Executive be able to assume an authority which the law has expressly reserved to the Imperial Legislature. But if the Assembly can force its policy on the governor, by outvoting those advisers who agree with such of its [1] views as may be contrary to its own, on questions within its jurisdiction, it may equally force him to adopt its views on questions beyond its jurisdiction. It may force him to remove every adviser who will not give in to its unreasonable pretensions, and will not abuse his official authority to favour the usurpation of the Assembly.

Now those who hold this language, must think

[1] *Sic.* ? his.—W.

very little of the true principle on which the authority of the Imperial Legislature should be upheld in those matters in which it has exclusive authority; and must indeed know very little of the machinery by which it actually is exercised. If indeed it is to be supposed that the Assembly will carry out its usurpation by an utter defiance of all law, and will stop the whole course of government, and throw the whole colony into permanent confusion, in order to exercise an authority utterly beyond its jurisdiction, and that in this course it is backed by the people of the colony, this is supposing a state of feeling of which independence must be the object, and against which we can suggest no provision except separation or military force. We must suppose the people and legislature of a colony to have some common sense, some regard for their own welfare, and some general desire for continuing a part of the British empire. We must suppose that palpable deviations from the fundamental constitutional law of the colony will not be attempted every day; and that the courts of justice will not be shut up, the gaols thrown open, the police disorganized, the militia disbanded, and all public works stopped, in order to enable the Assembly to attain some point palpably beyond its legal authority. We can understand that all this should be done, when, as at present, the whole powers of government in every matter that came nearest to men's bosoms and business, are wielded by persons in whose use of those powers the Legislature has no confidence: but

we cannot make out how the giving it control over the persons invested with executive authority in all these matters can increase its disposition to meddle with those excepted from its jurisdiction, and call into use, for the purpose of usurping a fraction of power, those formidable last resources of legislative warfare which it has only occasionally brought itself to employ even when all legislative influence was denied it. The Assembly may still have a desire to usurp power; but when the object to be gained is small in amount, of little moment to the Colonial public, and palpably inconsistent with the authority of a Mother-country which interferes but little with the Colonial self-government, we think we may calculate on a general aversion on the part of the people of the colony to stop the whole course of government in such a cause.

For nothing but a recourse to what Lord DURHAM calls the *ultima ratio* of Representative bodies could enable an Assembly to succeed in any such usurpations. And for this plain reason, which seems to have been entirely forgotten by all our opponents—that on all those points in which exclusive authority is reserved to the Imperial Government, the law is or ought to be executed as well as made by the central authority. The Governor, the officers of the Army, and the officers of the Customs, are (and the functionaries of the Land Department ought to be) servants not of the *Colonial* but of the *Imperial* Government.[1] Lord DURHAM'S scheme would not

[1] This condition proved incapable of fulfilment.—W.

put these functionaries a whit more under the control of the Colonial Assemblies. On the contrary, it would in the case of the Governor, shift the undue responsibility to which he is now subjected, on his subordinates in the colony. With a civil list which would render him personally independent of the colony, he would in fact be as irresponsible to the Colonial Parliament as the Queen is to that of Great Britain. A strong repugnance to him on the part of the colony would of course, as now, operate with a prudent Secretary of State as a reason, if there were no countervailing reason, for removing him. But the effect of the system of Executive Responsibility would be to render attacks on the governor himself unnecessary for securing a change of policy in the government. This end would be best and easiest attained by effecting the removal of his cabinet ; and the result would be, that the Assembly would then have no temptation to attack the principal, when it could attain its ends by a change of his agents.

Nor is it proposed by Lord DURHAM, or any other advocate of the adoption in the Colonies of the system pursued in the Mother-country, to give the Colonial Assemblies any voice in the appointment of those who have to administer in the colony the functions which are exclusively reserved to the Imperial Government. It was never contemplated that the Assemblies should get any power over the officers of the British Army serving in the Colonies. That Army is paid by Britain ; its officers, from the highest to the lowest, are appointed by the Horse

Guards in London. The Governor and his advisers cannot remove the Commander-in-Chief, or a single Colonel or officer of a regiment serving in the colony. The Assembly cannot stop their pay. What hold has it then on military appointments ? or what fresh hold would the proposed system give it ?

But the collection of the Customs affords the best practical illustration of the independence of the functionaries of the Imperial Executive. The collection of the Customs-duties has been reserved to the Imperial Government ; and accordingly, the Commissioners of Customs in London sent out a Collector to the Colony to receive the duties payable in its ports. Though living at Quebec or Kingston, he is the servant of a Board in London. He pays himself out of the revenues which he collects. The Assembly of Canada no more can stop the salary of a collector in Canada than of one in Jamaica : if it orders him to deviate from his instructions, he must still obey them : if the Assembly were in consequence to pray the Governor to remove him, the Governor's answer would be, that he had no more authority to remove a Collector in Canada than to remove a Collector in Jamaica or in England. The Assembly might stop the Supplies in order to compel the Home Government to do this. So it might to compel it to remove the Collector at Liverpool. And we very much doubt whether the people of the colony would sanction a stoppage of the Supplies in order to enable the Assembly to effect the removal of the one, a whit more than that of the other.

The same rule holds good with regard to the Post-office, as conducted at present; though we agree with Lord DURHAM in thinking that this is a department which ought more properly to be left entirely under the control of the colony. But the independence of that department at present is as great as can be desired: and by the same system the Land Department might be rendered independent of the Colonial Legislature. Nor has the Assembly of a colony any more authority over the diplomatic agents of the Mother-country in neighbouring foreign states. Neither the Governor nor the Assembly of Canada can issue any instructions to the British Minister at Washington, or any British Consul in any State of the Union; and if either of them did so, the Minister or Consul would mind such instructions no more than those given by the Vestry of Marylebone. But Lord JOHN RUSSELL feared that the Assembly might set up a Foreign Secretary of its own;[1] and perhaps he apprehends its accrediting Ambassadors to Foreign Powers. If the Assembly were in that mood, it might shorten the process of Separation by setting up its own King, or Queen, or President, at once. Who would treat with the illegally-appointed minister of a colony? Whom could he bind by any stipulations into which he might enter? Every act done by the volunteer

[1] Lord John Russell's speech in the Commons on the 3rd June 1839 made great play with the Maine boundary question and used the chance of New Brunswick embroiling the Empire to deny the feasibility of responsible government.—W.

agents of this illegal diplomacy would be a treason or a misdemeanour. Their public reception by a Foreign Power would be tantamount to a declaration of war against Great Britain. Foreign Powers might treat with them secretly, but so they may with any discontented British subject. LOUIS PHILIPPE may be now intriguing with Mr. PAPINEAU in Paris; and Mr. VAN BUREN may be treating with MACKENZIE in Auburn gaol.

We do not mean to contend that a general control over the Colonial Executive may not facilitate and quicken the process of separation, when a colony is bent on it. And in this we see no harm. But in speculating on questions of Colonial government, we must be allowed to assume that the colony does not desire the severance of its connexion with Great Britain. Of course, it can be of no use to devise a means of trusting it with a limited portion of power if we suppose its desire to be to use that power for the purpose of destroying whatever institutions may be framed for it. Assuming, therefore, that the people of the colony desire to be connected with Britain, on what may fairly be considered the necessary terms of Colonial dependence, we can see no reason for apprehending that giving an Assembly control over one portion of the policy and composition of the Executive, would enable it to encroach on that which is expressly reserved from it. The general control proposed would in no wise, as we have shown, extend to the excepted departments. And though the Assembly might still, as it now does,

be inclined to usurp authority by having recourse to extreme measures, we feel very confident that the Colonial public would be far less inclined to subject itself to the evils incidental to such a contest, when the object in dispute was thus narrowed by general and liberal concessions on the part of the Mother-country. It must always be recollected that the power of stopping supplies, and impeding the whole administrative and legislative business of the colony, is one which the Colonial Assemblies now possess to the fullest extent; and that the present system of irresponsible government gives the Assemblies the desire and the habit of constantly using that power. The power will be the same; but we contend that the inclination to use it will be far less, when the Assembly can gain every legitimate object in view by a much simpler and perfectly unobjectionable process.

The abuse of power towards individuals, which is habitual in the present order of things, would in the same way, instead of being increased be lessened, if not entirely prevented, by the general responsibility of the Executive. Impeachment, with all its fearful legal consequences, and all its necessary machinery of legal inquisition and defamation, is now the only and habitual mode of effecting the removal of an unpalatable functionary in the Colonies. The journals of the British North American Legislatures show what fearfully prodigal and cruel use has been made of this cumbrous but deadly weapon. The only mode by which the majority of the day could

remove a functionary hostile to it, has been by blasting his character, and rendering it impossible for the government to employ him, not only at the present, but any future time. Thus the noblest Colonial reputations have been tarnished, and the greatest talents in the communities have, to serve some party purpose of the hour, been rendered too long if not permanently unavailable for the public service.[1] Give the Colonial Assembly the simple weapon of a vote of confidence, and it will never need and never use these deadly arms again. The history of our own country is full of instruction on this head. Up to the period of the Revolution of 1688, the great business of the House of Commons was impeachment. Since the adoption, at that period, of the principle for which we contend, there has never been an impeachment except for absolute treason, or pretty clear malversation in respect of pecuniary matters. It may be that hardship will sometimes be inflicted on worthy public servants by removal from office simply on account of political opinions; but this is an incident of the tenure of office in every free country, which we habitually regard as a necessary and slight counterpoise to the advantages of free government.

Of only one other of the common topics of objection need we here take notice; and it will be only to remark, that neither Lord DURHAM nor the

[1] Buller exaggerates the effect of colonial impeachments. The Lower Canadian Assembly tried to use this weapon several times, but without any real success.—W.

advocates of Responsible Government propose that the removeability on account of political opinions should extend to judicial offices. To secure the independence of the Judges is one of Lord DURHAM'S main recommendations: and though we agree with an opinion frequently expressed by Sir ROBERT PEEL, that in this country we have perhaps rendered it too difficult to remove an incompetent Judge, yet as no better plan has ever yet been devised, we think that the same tenure of judicial office and salary should be adopted in the Colonies as in the Mother-country, with the object of rendering the Judges independent of the caprices and influence as well of Parliament as of the Crown.

# VI

## MR. MOTHERCOUNTRY, OF THE COLONIAL OFFICE[1]

In preceding chapters we have endeavoured to show, that that constant reference to the authorities in England, which some persons call 'responsibility to the Mother Country', is by no means necessary to insure the maintenance of a beneficial Colonial connexion. It is not necessary for this purpose that the people or government of England should be constantly interfering in the details of Colonial business. It is not desirable that we should regulate these matters according to notions which cannot be half so correct as those of the colonists themselves. But even if it were desirable, and if we were convinced that a colony could never be well governed except by the enlightened opinion, or the responsible Ministers of the Mother Country, we should still be unconvinced of the possibility of securing an effectual

[1] This chapter is largely an attack, more sprightly than fair, upon James Stephen, born 1789, counsel to the Colonial Department 1813, counsel to the Colonial Office and Board of Trade 1825, Assistant Under-Secretary of the Colonies 1834, Permanent Under-Secretary 1836, resigned 1847, Professor of Modern History at Cambridge 1849. He was a very fine type of Civil Servant and not the tyrant here portrayed. Wakefield hated Stephen and reprinted in his *Art of Colonization* (1849) this chapter and the following one.—W.

appeal to either. If the public opinion of the British community, and the attention of its Legislature and Ministry, could indeed be brought to bear on each colonial question as it arises, and to give it the same earnest consideration that it gives to any English question of the same importance, the reference to this country would be productive of no ill, but much good. But the theory of responsibility errs in this, that the Mother Country, to which the reference is supposed to be made, never exercises any judgment on the matter; and the decision, which is pronounced in its name, is given by the few individuals that think it worth while to usurp its functions for the purpose.

It is not in the nature of men to feel any very lively interest in the affairs of those, of whom they know so little as the people of this country do of their fellow-subjects in the Colonies: and the bitter experience of colonists has taught them how little their condition, and the circumstances which influence it, are appreciated by the people of this country. The social state, and the form of government in the Colonies, are both utterly foreign to the notions of Englishmen. We comprehend neither: we know little of the events that have passed in them: and the consequence is, that we understand very nearly as little of what passes in the present day. The newspaper of the morning announces in some out-of-the-way corner, that some ship, which left some unknown spot, in some distant corner of the world, some weeks or months before, has brought

perhaps a couple of months' files of colonial papers. We are told that the Governor had issued some order, upon a matter of which the nature is utterly incomprehensible to us; or that the Assembly is 'still' occupied with some dispute with him, of the commencement of which we have never heard. If perchance there be anything in this news which interests us enough to make us read through the column of the paper, hunt up the geographical and other points which at first puzzle us, and look with impatience for the sequel of the news, the odds are that we get nothing more on the subject for the next month; and the first time our paper finds room for another set of extracts from the colonial papers, the matter about which we were interested has slipped out of our memory, or some event of importance in Home politics absorbs all our attention. This is the normal state of our ignorance on the subject, varied in the case of the most active-minded by the half-information thus picked up, and the prejudices consequently formed. When some event of great importance suddenly rivets public attention on colonial affairs, we come to the consideration of them with this general ignorance and these misconceptions. Nothing but the news of invasion or revolt gives the people at large a real interest in the colonial news of the day. The events that prepare such calamities, have been either unheeded or fostered by the rash decisions which we have given in our inattentive mood.

As the people judge, so do the representatives

act in Parliament. A railway or a turnpike bill ordinarily interests more Members than any measure affecting the most vital interests of our most important colonies. Some of them, it is true, attract the notice of two or three Members, who think that local knowledge gives them the right to assume airs of great wisdom respecting them. Some ignorant and presumptuous Captain in the Navy, some still more ignorant and presumptuous Colonel in the Army, who have passed a year or two in some harbour or garrison of the colony—some retired Judge, whose knowledge of a community has been formed on his experience of the criminals and suitors of his court—some ex-official, mixed up with colonial jobs and cliques—some merchant, who urges in the House whatever his partners in the colony tell him is the right thing to promote the interests or importance of the firm—these, with occasionally some gentleman whose more than usually extended tour has carried him to some of our remote possessions, are the only persons, not compelled by the duties of office or opposition, that take what is called an interest in a colony. By some one or other of these, four or five times in a session, questions are addressed to the Ministers, or returns required, or motions made. But hardly any one else ever shares in this interest: and such a notice of motion generally insures the House being counted out whenever it comes on! On some rare occasions the party questions of the day are mixed up in some colonial matter: the Opposition come down to fight the

battle of the Church, or Education, or whatever else it may be, on colonial ground; and the mover is favoured with the unaccustomed honour of an audience and a division. Sometimes the opportunity of wounding a Ministry through the side of one of its measures, or of a Governor of its own party, occasions similar manifestations of factious force and zeal: and to what mischiefs such conduct gives rise we have had too much experience, in the rejection of the bill for the union of the two Canadas in 1822, and still more recently in the disallowance of Lord Durham's celebrated Ordinances. The attention thus given to a colony in these occasional gusts of party feeling, is productive of so much ill, that it is far better for them that Parliament should preserve its usual apathy, and adopt, as it usually does, whatever legislation the Government of the day may recommend.

There are two modes in which the legislative measures, to which the Government wishes to get the sanction of Parliament, are framed. Sometimes, though rarely, Parliament passes an act after the usual fashion of acts of Parliament, settling by positive enactments every detail of the course on which it determines. Except, however, in the case of acts settling the form of government in a colony, this is a labour which is rarely imposed on Parliament: and experience shows us how unwise it is to trust the details of such measures to the chances of parliamentary attention. The Canada-Tenures Act is a remarkable instance of this. No act was ever

proposed by Government with more honest and sound intentions. The purpose was good; and had the bill been passed in the shape in which it was prepared by Mr. James Stuart, the present Chief Justice of Lower Canada, that purpose would have been carried into effect, probably without any concomitant evil. Unfortunately, however, Mr. Stuart quitted England before the bill had passed. During its passage through Parliament, one apparently harmless amendment was suggested from one, and another from another quarter; some words were omitted to please one, and others left out to conciliate another. The result was, that this act, which was intended to merely alter tenures, without affecting any existing interest, assailed the vested rights of every married woman and child in the province, gave the Seigneurs the most unfair advantage over their tenants, and, in fact, shook every title to land in Lower Canada.

But parliament in general disposes of the details of Colonial questions in a much more summary way. For some time past, the impossibility of determining the details of a Colonial measure in the British Parliament has been so much impressed upon the Government, that the custom has been to propose that the Colonial Acts of Parliament should be simple *delegations of legislative powers* to some Ministerial authority in this country; and they have in consequence simply enabled the Crown to legislate for the Colonies by Order in Council. It is thus that for nearly the last twenty years a great part of the

legislation of the West India Islands has been carried on; and the power of making laws has been taken equally from the Colonial and Imperial legislature, and transferred to the Executive Government at home. Nor has Parliament taken, in Colonial cases, the precautions for retaining a vigilant supervision of the use made of this power, which it has always retained to itself whenever it has delegated similar authority with respect to the Mother Country. The Poor-law Commissioners have the most extensive powers of legislation by means of general rules: the Judges of the Courts of Common Law have very large powers of regulating the whole administration of the common law by their rules and regulations. Yet in these, as in many other cases of not quite equal importance, the most effectual provisions are made for the utmost publicity; and it is necessary that all rules made under the delegated authority should, to have permanent effect, be laid on the table of both Houses. But no such precautions are taken with respect to the Colonies; and the powers thus given to Orders in Council are exercised without any publicity in this country.

Thus, from the general indifference of Parliament on Colonial questions, it exercises, in fact, hardly the slightest efficient control over the administration or the making of laws for the Colonies. In nine cases out of ten, it merely registers the edicts of the Colonial Office in Downing Street. It is there, then, that nearly the whole public opinion which influences the conduct of affairs in the Colonies really exists.

It is there that the supremacy of the Mother Country really resides: and when we speak of that supremacy, and of the responsibility of the Colony to the Mother Country, you may to all practical intents consider as the Mother Country—the possessor of this supremacy—the centre of this responsibility—the occupants of the large house that forms the end of that *cul-de-sac* so well known by the name of Downing Street. However colonists or others may talk of the Crown, the Parliament, and the Public—of the honour of the first, the wisdom of the second, or the enlightened opinion of the last—nor Queen, nor Lords, nor Commons, nor the great Public itself, exercise any power, or will, or thought on the greater part of Colonial matters: and the appeal to the Mother Country is, in fact, an appeal to 'the office'.

But even this does not sufficiently concentrate the Mother Country. It may, indeed, at first sight, be supposed that the power of 'the Office' must be wielded by its head; that in him at any rate we have generally one of the most eminent of our public men, whose views on the various matters which come under his cognizance, are shared by the Cabinet of which he is a member. We may fancy, therefore, that here, at least, concentrated in a somewhat despotic, but at any rate in a very responsible and dignified form, we have the real governing power of the Colonies, under the system which boasts of making their governments responsible to the Mother Country. But this is a very erroneous supposition.

This great officer holds the most constantly shifting position on the shifting scene of official life. Since April 1827, ten different Secretaries of State have held the seals of the Colonial Department.[1] Each was brought into that office from business of a perfectly different nature, and probably with hardly any experience in Colonial affairs. The new Minister is at once called on to enter on the consideration of questions of the greatest magnitude, and at the same time of some hundreds of questions of mere detail, of no public interest, of unintelligible technicality, involving local considerations with which he is wholly unacquainted, but at the same time requiring decision, and decision at which it is not possible to arrive without considerable labour. Perplexed with the vast variety of subjects thus presented to him—alike appalled by the important and unimportant matters forced on his attention—every Secretary of State is obliged at the outset to rely on the aid of some better informed member of his office. His Parliamentary Under-Secretary is generally as new to the business as himself: and even if they had not been brought in together, the tenure of office by the Under-Secretary having on the average been quite as short as that of the Secretary of State, he has never during the period of his official career obtained sufficient information, to make him independent of the aid on which he must have been thrown at the outset. Thus we find both

[1] Bathurst, Huskisson, Murray, Goderich, Stanley, Spring Rice, Aberdeen, Glenelg, Normanby, John Russell.—W.

these marked and responsible functionaries dependent on the advice or guidance of another; and that other person must of course be one of the permanent members of the office. We do not pretend to say which of these persons it is, that in fact directs the Colonial policy of Britain. It may be, as a great many persons think, the permanent Under-Secretary; it may be the chief, it may be some very subordinate clerk; it may be one of them that has most influence at one time, and another at another; it may be this gentleman as to one, and that as to another question or set of questions: for here we get beyond the region of real responsibility, and are involved in the clouds of official mystery. That Mother Country which has been narrowed from the British Isles into the Parliament, from the Parliament into the Executive Government, from the Executive Government into the Colonial Office, is not to be sought in the apartments of the Secretary of State, or his Parliamentary Under-Secretary. Where you are to look for it, it is impossible to say. In some back room—whether in the attic, or in what story we know not—you will find all the Mother Country which really exercises supremacy, and really maintains connexion with the vast and widely-scattered Colonies of Britain. We know not the name, the history, or the functions of the individual, into the narrow limits of whose person we find the Mother Country shrunk. Indeed, we may call him by the name, of which we have thus shown him to be the rightful bearer; and when we speak of Mr. MOTHERCOUNTRY, the colonist

will form a much more accurate notion than heretofore of the authority by which he is in reality ruled.

Of the individual thus bodily existing, but thus dimly seen, we can of course give our readers none but the most general description. We will not flatter the pride of our colonial readers, by depicting this real arbiter of their destinies as a person of lofty rank or of the first class among what we call statesmen. He is probably a person who owes his present position entirely to his own merits and long exertions. He has worked his way through a long and laborious career of official exertions; and his ambition is limited to the office that he holds, or to some higher grade of the permanent offices under government. Probably married at an early age, he has to support and educate a large family out of his scanty though sure income.[1] Once or twice a year he dines with his principal; perhaps as often with some friend in Parliament or high office. But the greater part of his days are passed out of all reach of aristocratic society: he has a modest home in the outskirts of London, with an equally modest establishment: and the colonist who is on his road to 'the Office', little imagines that it is the real ruler of the Colonies that he sees walking over one of the Bridges, or driving his one-horse chay, or riding cheek by jowl with him on the top of the short coach, as he comes into town of a morning. Mr. MOTHERCOUNTRY'S whole heart is in the business of his office. Not

[1] The description is that of Stephen, who married when 24 and had five children.—W.

insensible to the knowledge or the charms of the power which he possesses, habit and a sense of duty are perhaps often the real motives of the unremitting exertions, by which alone he retains it. For this is the real secret of his influence. Long experience has made him thoroughly conversant with every detail of his business; and long habit has made his business the main, perhaps with the exception of his family, the sole source of his interest and enjoyment. By day and by night, at office or at home, his labour is constant. No pile of despatches, with their multifarious enclosures, no red-taped heap of Colonial grievances or squabbles, can scare his practised eye. He handles with unfaltering hand the papers at which his superiors quail: and ere they have waded through one half of them, he suggests the course, which the previous measures dictated by himself compel the Government to adopt.[1] He alone knows on what principles the predecessors of the noble or right honourable Secretary acted before: he alone, therefore, can point out the step which in pursuance of the previous policy it is incumbent to take: and the very advice, which it is thus rendered incumbent on the present Secretary of State to take, produces results that will give him as sure a hold on the next Secretary of State.

But with all this real power, Mr. MOTHERCOUNTRY never assumes the airs of dictation to his principal. Every change of the head of the department, though

[1] Stephen's influence is exaggerated, as a good many of his recommendations were rejected by his superiors.—W.

really consolidating his power, gives occasion for a kind of mutiny against it. The new Secretary enters with some purpose of independence: he has heard of Mr. MOTHERCOUNTRY'S influence; and he is determined that he will act on his own head. He goes on for a while on this plan; but it is sure to be no long time ere something comes before him for which he is obliged to refer to Mr. MOTHERCOUNTRY: he is pleased with his ready, shrewd, and unobtrusive advice: he applies to him on the next occasion with more confidence: he finds that Mr. MOTHERCOUNTRY takes a great deal of trouble off his hands—and great men are sure at last to fall under the dominion of any man that will save them trouble. By degrees, he begins to think that there are some things which it is better to leave altogether to Mr. MOTHERCOUNTRY; and as to all he soon finds it prudent to take no step until he has heard what Mr. MOTHERCOUNTRY has to say about it. If things go smooth, his confidence in Mr. MOTHERCOUNTRY rises; if they go ill, his dependence on him is only the more rivetted, because it is Mr. MOTHERCOUNTRY alone who can get him through the Colonial contest or Parliamentary scrape in which he has involved himself. The more independent he has been at first, the more of these scrapes he has probably got himself into; and the more dependent he consequently becomes in the long run. The power of Mr. MOTHERCOUNTRY goes on increasing from Secretary to Secretary, and from month to month of each Secretary's tenure of office; and the more

difficult the government of the Colonies becomes, the more entirely it falls into the hands of the only men in the public service who really know anything about Colonial affairs.

This is perhaps the best result of such a system: and our experience of the follies and presumption of the only Secretary of State that ever undertook to act for himself, is a proof that, under the present system, Mr. MOTHERCOUNTRY'S management is better than that of the gentleman whom he generally gets put over his head. But the system of intrusting absolute power (for such it is) to one wholly irresponsible, is obviously most faulty. Thus, however, are our Colonies ruled: and such is the authority to which is committed that last appeal from the Colonies themselves, which is dignified with all these vague phrases about the power, the honour, the supremacy, and the wisdom of the Mother Country.

## VII

## MR. MOTHERCOUNTRY'S FAULTS: THE SIGHING ROOMS AT THE COLONIAL OFFICE

We have described the secret and irresponsible, but steady rule of Mr. Mothercountry, in whom we have personified the permanent and unknown officials of the Colonial Office in Downing Street, as very much better for our Colonies than that to which they would be subjected, were the perpetually-shifting Secretaries and Under-Secretaries of State really to pretend to conduct affairs of which they understand nothing. It must not be inferred from this, that we think it a really good system. It has all the faults of an essentially arbitrary government, in the hands of persons who have little personal interest in the welfare of those over whom they rule —who reside at a distance from them—who never have ocular experience of their condition—who are obliged to trust to second-hand and one-sided information—and who are exposed to the operation of all those sinister influences, which prevail wherever publicity and freedom are not established. In intelligence, activity, and regard for the public interests, the permanent functionaries of 'the Office' may be superior to the temporary head that the vicissitudes of party politics give them; but they

must necessarily be inferior to those persons in the colony, in whose hands the adoption of the true practice of Responsible Government would vest the management of local affairs.

A thorough knowledge of the internal economy of this vast number of different communities, situated at the most distant points of the globe, having the most diverse climates, races, productions, forms of government, and degrees of wealth and civilization, is necessarily one which the best-employed experience of the longest life can never be supposed to give. From his entrance into his office, the necessary labours of the day have occupied almost the whole of Mr. MOTHERCOUNTRY'S time and thoughts; and though we will give him credit for having picked up such information as elementary books can give, it cannot very well be imagined that he has learned from books, newspapers, and oral information, all that mass of particulars respecting manners, things, and persons, that is requisite for forming in the mind a complete picture of the social and political, the physical as well as the moral condition of those numerous countries. It is in the very nature of duties so laborious as his, that Mr. MOTHERCOUNTRY should be able to attend to little except to the questions presented for his decision by the parties contending in the Colonies, and should form his notion of their condition from these rather than from more extended reading and observation. Compelled to examine the complaints and answers of the various parties, he gradually imbibes the idea that the whole

state of affairs is set forth in these statements and counter-statements. He fixes his eye on the grievances and squabbles that occupy the addresses of Assemblies, the despatches of Governors, and the disputes of officials; and gets to fancy, naturally enough, that these are the matters on which the mind of the colony is intent, and on which its welfare depends. Hence the result is, that since, in Colonies as elsewhere, the real interests of the community are overlooked in such disputes, Mr. MOTHERCOUNTRY has at his fingers' ends, after a long devotion to the subject, nothing better than a very complete knowledge of very immaterial incidents; and that when he fancies he knows all about a colony, he has, in fact, only been diverting his attention from everything that is worth knowing respecting it. Thus, while the question of contending races was gradually breaking up the whole social system of Lower Canada, Mr. MOTHERCOUNTRY, unconscious of the mischief, thought that he was restoring order and satisfaction by well-reasoned despatches on points of prerogative and precedent. Experience may give Mr. MOTHERCOUNTRY more information respecting the whole mass of our Colonies than any other individual probably possesses. But it is, after all, a very incomplete information, and one which does not prevent his continually committing those gross blunders of which our Colonial history is the record.

This is the necessary consequence of the variety and distance of Mr. MOTHERCOUNTRY'S dominions. He has, in addition, the faults of that permanent and

irresponsible power, combined with subordinate position, which we always perceive in a government of bureaus and offices. It is a position which engenders not a little conceit; and in whatever form Mr. MOTHERCOUNTRY appears—even in that of the humblest clerk—you always find out that he thinks, that he and his associates in 'the Office' are the only people in the world who understand anything about the Colonies. He knows his power too, and is excessively jealous of any encroachment on or resistance to it. It is a power, he well knows, which has its origin in the indolence and ignorance of others: he fancies, therefore, that it is assailed by any one who understands anything of the Colonies, or takes any interest in them; and to all such people, therefore, he has a mortal dislike.

And though Mr. MOTHERCOUNTRY has none of a fine gentleman's aversion to work, but on the contrary devotes his whole energies to his business, he likes to get over his work with as little trouble as possible. It is his tendency, therefore, to reduce his work as much as he can to a mere routine; to act on general rules, and to avoid every possible deviation from them; and thus to render the details of his daily task as much a matter of habit as he well can. A hatred of innovation is a distinguishing feature of his, as of the general official character. Everything new gives trouble: to enter upon a new course with respect to distant communities, is always matter of danger and doubt, unless the step is founded upon a more complete knowledge of the

state of things than Mr. MOTHERCOUNTRY can afford time to acquire. He is very much afraid of being attacked in Parliament or the newspapers; and as it is almost always a sufficient answer for the great mass of men, that you have done in any particular instance what had usually been done hitherto, he likes always to have this answer to give. Nor do the common motives to exertion act on him to induce him to labour in the work of improvement. He well knows that he shall have none of the glory of improvements in which the public take an interest. The credit of these is sure to be ascribed to the Chief Secretary. It is but human nature, then, that he should hate innovation, and discourage every project of improvement. Those who have suggested any improvement in the system existing in our Colonies, or proposed to found new colonies on a new principle, know to what a complete science the officials of the Colonial department have brought their mode of repelling all such invasions of their domain.

But the worst of all Mr. MOTHERCOUNTRY'S faults is his necessary subjection to sinister interests and cabals. Wherever the public cease to take an interest in what is going on, the reign of cliques and cabals is sure to extend: and whenever the actions of the Government are not guided by public opinion, they inevitably fall under the influence of some sinister interest. Every one of our colonies has its own jobs, its own monopolies, and its own little knots of bustling and intriguing jobbers. These

spare no pains to get the ear of Mr. MOTHERCOUNTRY. Backed by some strong mercantile, or official, or Parliamentary connexion, they press their views on him; relying partly on their better knowledge of the peculiar subject on which they have so deep an interest, partly on the fear they can inspire by the threat of an appeal to Parliament or the press. Then, again, there are persons whose past official position and party connexions enable them to bring a strong party influence to bear on him. On one or two points there has been excited a powerful interest, which has organized itself into associations, represented by constituted bodies and accredited officers, always ready to push their own views, and able to excite a strong public feeling on their particular point, if their representations should be neglected. While these narrow views and partial interests have these active organs, the Colonial public and the interests of the colony have rarely any, never equally efficient representatives. A long experience has taught Mr. MOTHERCOUNTRY, that without conciliating these various juntas, he never can hope to govern quietly, but that if he manage to get their concurrence, he runs little risk of effectual opposition from either the British or Colonial public. His whole aim, therefore, necessarily is to conciliate all of these bodies, or when their interests happen to run counter, either to give each its turn, or to conciliate the most powerful. One day, accordingly, we find him conciliating the knot of merchants that enjoy the existing monopoly; another day, those

who are exerting themselves for a freer trade; at one time he is holding out his hand to the West India interest; another time he seems to be entirely under the influence of the Abolitionists. These are the sectional influences under which such a government is sure to fall, owing to its freedom from responsibility to a wide public opinion.

The worst instance of the operation of these secret influences on Mr. MOTHERCOUNTRY is to be found in the Colonial appointments. If he were left to himself, and could appoint as he chose, he might doubtless job a little, but, on the whole, he would probably pay some regard to competence in some of his appointments. But the patronage of the Colonial Office is the prey of every hungry department of our government. On it the Horse Guards quarters its worn-out General Officers as Governors: the Admiralty cribs its share; and jobs which even Parliamentary rapacity would blush to ask from the Treasury, are perpetrated with impunity in the silent realm of Mr. MOTHERCOUNTRY. O'CONNELL, we are told, after very bluntly informing Mr. RUTHVEN that he had committed a fraud which would for ever unfit him for the society of gentlemen at home, added, in perfect simplicity and kindness of heart, that if he would comply with his wishes and cease to contest Kildare, he might probably be able to get some appointment for him in the Colonies.

It is, however, not only of the cliques and interests at home that Mr. MOTHERCOUNTRY is thus placed under the influence. The same causes that render

the action of small knots of men operative on him in England, place him under the same necessity of courting the good opinion and disarming the hostility of every well-organized interest in the Colonies. Now, the strongest and most active interest in a colony is always that of the little knot that governs it—the Family Compact, which Lord Durham has described as being the necessary result of the irresponsible government of our Colonies. Creatures of the Colonial Office, as these Compacts are, they nevertheless manage to acquire a strength which renders them very formidable to Mr. MOTHERCOUNTRY. Even when he gets on bad terms with them, he never abandons the hope of reconciliation with them, or the demeanour necessary to insure it. But you will rarely find him quarrelling with them. A despotic and irresponsible authority is always obliged to govern by a small knot of men; and these Colonial compacts are the natural agents of the Compact at home. Thus the mischiefs produced by irresponsibility in the colony, are augmented and perpetuated by the responsibility to Mr. MOTHERCOUNTRY.

The working of the appeal to Mr. MOTHERCOUNTRY in fact only adds to the amount of Colonial misgovernment; and instead of obviating the mischiefs of the system pursued in the Colonies themselves, it only adds another element of delay, obstruction, and inconsistency. Bad as is the government of Turkish Pachas, the Porte never interferes except to make matters worse; and ill as the Colonial Compacts manage, the appeal from them to Mr. MOTHER-

COUNTRY only adds fresh fuel to colonial irritation and individual grievance. His ignorance of the real state of affairs in the colony, his habits of routine, his dependence on the secret cliques and interests at home, produce an invariable tendency on his part to stave off the decision of every question referred to him. Every matter referred to him is sure to be referred back to the colony; and every successive answer to every fresh reference only serves him to raise some new pretext for postponing his decision. He is engaged in a perpetual struggle with the Colonial Compacts, in which he and they have no object but that of throwing on each other the responsibility of deciding. With this view, he has perfected a complete art of irrelevant and apparently purposeless correspondence, by which he manages to spin out an affair until it either evaporates into something absolutely insignificant, or until at any rate the patience and interest of all parties concerned are completely worn out. For this purpose, he has invented and brought to considerable perfection a style peculiar to Colonial despatches; a style in which the words of the English language are used with a very admirable grace and facility, but at the same time with an utter absence of meaning. In this singular style we hope some day to give our readers a lesson; but we need now only observe that it is of great utility in enabling Mr. MOTHER-COUNTRY to keep up hopes of a decision, while he is leading his reader further and further away from it. If any decision is got, it is generally on some point

that virtually leaves the question at issue undecided. But sometimes even the semblance of decision is omitted; and the systematic postponement merges into the neglect of absolute oblivion. Thus it has been known, that even reserved acts of Colonial Parliaments have been poked away in one of Mr. MOTHERCOUNTRY'S pigeon-holes, and never brought out of it till the period in which they could receive the necessary sanction had passed: and in another instance, a colonist who inquired for a private act, on which his whole property depended, was told that instead of having received her Majesty's assent, it was nowhere to be found.

But the appeal to Mr. MOTHERCOUNTRY on individual cases is even more mischievous to the parties concerned. It is a mere device in general for prolonging the tortures of the unhappy victim, who, bandied about from Colony to England, from Secretary to Secretary, from Under-Secretary to Under-Secretary, from clerk to clerk, wastes away hope and existence, as a subject of Mr. MOTHERCOUNTRY'S systematic procrastination.

There are rooms in the Colonial Office, with old and meagre furniture, book-cases crammed with colonial gazettes and newspapers, tables covered with baize, and some old and crazy chairs scattered about, in which those who have personal applications to make, are doomed to wait until the interview can be obtained. Here, if perchance you should some day be forced to tarry, you will find strange, anxious-looking beings, who pace to and fro in

feverish impatience, or sit dejected at the table, unable in the agitation of their thoughts to find any occupation to while away their hours, and starting every time that the door opens, in hopes that the messenger is come to announce that their turn is arrived. These are men with Colonial grievances. The very messengers know them, their business, and its hopelessness, and eye them with pity as they bid them wait their long and habitual period of attendance. No experienced eye can mistake their faces, once expressive of health, and confidence, and energy, now worn by hopes deferred, and the listlessness of prolonged dependence. One is a recalled Governor, boiling over with a sense of mortified pride, and frustrated policy; another, a Judge, recalled for daring to resist the Compact of his colony; another, a merchant, whose whole property has been destroyed by some job or oversight; another, the organ of the remonstrances of some Colonial Parliament; another, a widow struggling for some pension, on which her hopes of existence hang; and perhaps another is a man whose project is under consideration. Every one of these has passed hours in that dull but anxious attendance, and knows every nook and corner of this scene of his sufferings. The grievance originated probably long years ago, and bandied about between colony and home, by letter or by interview, has dragged on its existence thus far. One comes to have an interview with the Chief Secretary; one, who has tried Chief and Under-Secretaries in their turn, is now doomed

to waste his remonstrances on some clerk. One has been waiting days to have his first interview; another, weeks to have his answer to his memorial; another, months in expectation of the result of a reference to the colony; and some reckon the period of their suffering by years. Some are silent; some utter aloud their hopes or fears, and pour out their tale on their fellow-sufferers; some endeavour to conciliate by their meekness; some give vent to their rage, when, after hours of attendance, the messenger summons in their stead some sleek contented-looking visitor, who has sent up his name only the moment before, but whose importance as a Member of Parliament, or of some powerful interest or society, obtains him an instant interview. And if by chance you should see one of them at last receive the long-desired summons, you will be struck at the nervous reluctance with which he avails himself of the permission. After a short conference, you will generally see him return with disappointment stamped on his brow, and, quitting the Office, wend his lonely way home to despair, or perhaps to return to his colony and rebel. These chambers of woe are called *the Sighing Rooms*: and those who recoil from the sight of human suffering, should shun the ill-omened precincts.

# VIII

## CONCLUSION

In describing the vices of the present mode of administering the government of the Colonies from Downing Street, we have sought to avoid singling out particular individuals to bear the burden of a blame which in fairness attaches to the system. The faults which we have attributed to our ideal Mr. Mothercountry, are not those of individual character, but those which must be observable in the conduct of any who administer a system such as the present. While we have attempted to shew that that system has caused great mischief both to communities and to individuals, we think it but fair to add, that the permanent officers of the Colonial department must have been possessed of no ordinary abilities to work such a system at all, and keep it together as long as it has lasted. The evils which we have described, are those which necessarily result from the attempt to conduct the internal affairs of the Colonies in accordance with the public opinion, not of those Colonies themselves, but of the Mother Country. We have shown that in England there is really no public opinion on Colonial questions; and that what is called the opinion of the public, is in fact nothing but the opinion of the very small

number who are habitually occupied with such subjects. The appeal from the Colonies to the Mother Country ends in concentrating power in the hands of a few official persons, not of those who are ostensibly responsible for the management of Colonial affairs, but of some unknown and irresponsible individuals among the permanent subordinate officials of the department. By these are, in fact, wielded the whole legislative and administrative powers of government; by them the course of Parliament is prescribed whenever it legislates for the Colonies; by them is exercised all the still larger power of disallowing the acts of the Colonial Legislatures, and of passing laws in the form of Orders in Council. And this power is exercised in the faulty manner in which arbitrary, secret, and irresponsible power must be exercised over distant communities. It is exercised with great ignorance of the real condition and feelings of the people subjected to it; it is exercised with that presumption, and at the same time in that spirit of mere routine, which are the inherent vices of bureaucratic rule; it is exercised in a mischievous subordination to intrigues and cliques at home, and intrigues and cliques in the Colonies. And its results are, a system of constant procrastination and vacillation, which occasions heart-breaking injustice to the individuals, and continual disorder in the communities subjected to it. These are the results of the present system of Colonial government; and must be the results of every system which subjects the internal affairs of

a people to the will of a distant authority not responsible to anybody.

At the root of this bad system, lies the maintenance of our present mischievous and anomalous mode of conducting the internal government of Colonies, without that responsibility to the people which we assert to be the necessary consequence of representative institutions. We choose to hold the Executive entirely free from popular control, and consequently equally independent of popular support. It is no accidental consequence, but the necessary result of such independence, that the government which enjoys it is almost invariably found to be in a state of collision with popular feeling. The rule of cabals, and cliques, and compacts, follows with equal certainty ; and as the irresponsible authority thus established in the Colony has no self-supporting power, it must constantly be leaning on the Imperial government, and compelling its interference in the details of Colonial affairs. That interference is also invoked by the complaining Colonists whom we have invested with the power of expressing, and even of stimulating the popular discontent, but with none of allaying it by removing grievances. Thus the present system compels both parties to appeal to the Mother Country ; and hence originates the injurious influence which a few unknown officials in Downing Street exercise over the fortunes of all the wide-spread Colonies of Great Britain. Hence, therefore, flow the practical evils which misgovernment everywhere produces. Lord Durham

has drawn a striking but by no means too highly-coloured picture of the social disorganization, the political dissensions, the barbarous administration, and the consequent stagnation of the British Colonies in North America. Through every department of government he has traced the faulty, negligent, and often corrupt working of an irresponsible Executive. He has shewn its operation in the neglect of education, the maladministration of justice, and the mismanagement of public works. He has traced to this source the political disorders of those colonies, and shewn that we can never hope for any cessation of either the present mismanagement or the consequent discontent, until we give the people of the Colonies the control over their Executive government which they desire. He has had the opportunity in this case of contrasting the backward and stagnant condition of our own possessions with the flourishing activity of those states of the American Union, which, lying along the frontier, and inhabited by a people of the same race, possess precisely similar climate, soil, productions, and means of acquiring wealth. The result has been a fearful picture, an ignominious contrast. But we very much fear that if the state of other colonies were investigated by an inquiry as enlightened and as laborious as that instituted by Lord Durham, and laid open with an honesty as unflinching as that which characterizes his Report, we should discover that other colonies have suffered from the same causes quite as much as the Canadas, and find in the condition even of the

most highly favoured the germs of the same fatal disorders.

It has been our object in the foregoing pages to show the practicability of adopting the remedy proposed by Lord DURHAM, and the unsoundness of the objections urged against it, on account of some of its alleged consequences. There is no way of putting a stop to the present disorders of our Colonies, except by the adoption of the simple suggestion of 'facilitating the management of Colonial affairs, by intrusting it to the persons who have the confidence of the representative body'. To effect this great change no legislative enactment is required. It is only requisite that we should no longer attempt to withhold from our Colonies the practical results of the institutions which we have established in them; and that we should adopt as the principle of our government in them, that which must be the principle of government wherever representative institutions prevail. We have not pretended to lay down any precise rules for regulating the division of power between the Crown and the Representative body; this can only be determined by circumstances, and the prudence of the two parties. A long experience has suggested the course which is followed in the conduct of affairs in England: and whenever we establish in our Colonies the fundamental institutions of our own constitution, we can only hope to work them with the same success that has attended them here, by imitating the spirit in which they have been worked.

It has been our object to show that there is no ground for apprehending that the adoption in the Colonies of the practice that has prevailed at home since the Revolution, will sever the connexion with the Mother Country, or impair its rightful authority. Few are the points on which it is necessary to interfere with the management of affairs in our Colonies. In those few departments of affairs which ought to be reserved out of the jurisdiction of the Colonial Parliament, the Imperial Government is secured against the interference of the Colony, not only with its administrative, but with its legislative authority. The Imperial Country makes its own laws, and administers them by officers of its own. The utmost responsibility of the Colonial Executive would not extend to the officers of the Army, the Customs, or the Land department, or to our Diplomatic agents. These are, or ought to be, the servants of the Imperial, not of the Colonial, Government, inasmuch as they administer the laws and execute the duties of the Imperial, not of the Colonial Legislature. That the responsibility of the Colonial Executive would prevent the interference of the Home authorities in the internal affairs of the Colonies, we admit; and we are desirous that it should. Those who would prevent it would perpetuate all the maladministration of Family Compacts, all the jealousies, the collisions, and the chronic anarchy which are consequent thereon, and all the blunders, intrigues, delay, and vacillation of Mr. MOTHERCOUNTRY'S rule.

Our object in these papers will have been gained

if we have familiarised the minds of our English readers to the real nature of that demand for Responsible Government in the Colonies, which has been so much misrepresented; if we shall have induced them to look on the practice which we recommend as a portion of the constitutional system of Great Britain, which cannot be omitted with safety in any attempt to introduce into our Colonies the principles of that constitution; and if we shall have dispelled the vague notions that prevail respecting the necessity for constant and extensive interference with the internal affairs of the Colonies in order to maintain our connexion with them. That connexion, we may depend on it, is secured by every feeling of the Colonial mind, and every interest that binds men to the country which protects them. Nothing can really alienate the Colonies except a government which hurts their feelings and retards their prosperity: and if there is truth in any of the principles of free government, the affection of Colonies as well as of other communities can only be effectually secured, and their welfare steadily promoted, by giving the people a real control over the selection and the policy of their rulers.

A large portion of the wide field of Colonial government we have purposely left unexplored. We have limited our inquiry into the evil consequences of the general system of our Colonial government to those Colonies in which representative institutions are established. We have not examined the reasons which are commonly put forward for

that modern and un-English system of Colonial Government, by which many colonies inhabited by Englishmen or their descendants are deprived of those representative institutions which Englishmen regard as their birthright.

Nor have we enquired into the nature of the reforms which must be effected in the administration of the Colonial Department at home, as a necessary consequence of the general adoption of 'Responsible Government' in the Colonies. The popular members of a Colonial Executive, strong in the confidence and support of the representatives of their countrymen, would not long put up with Mr. MOTHERCOUNTRY and his system. The two reforms ought, therefore, to go hand in hand; and we trust that when Responsible Government is, as we infer from the union of the two Canadas, and Lord JOHN RUSSELL'S recent despatches, on the eve of being established in the Colonies, some attempt will be made to reform the constitution and practice of the Colonial Office. No fitter subject could engage the attention of Parliament; nor would any scheme of practical reform enlist in its behalf a larger amount of public sympathy, than that which would bring the influence of public opinion really to act on the Colonial Department.

THE END

# SIR CHARLES METCALFE IN CANADA[1]

'It is not in the terrors of the law, or in the might of our armies, that the secure and honourable bond of connexion is to be found. It exists in the beneficial operation of those British Institutions which link the utmost development of freedom and civilization with the stable authority of an hereditary monarchy, and which, if rightly organized and fairly administered in the Colonies, as in Great Britain, would render a change of institutions only an additional evil to the loss of the protection and commerce of the British Empire.'

REPORT OF THE EARL OF DURHAM.

'SAVE me from my friends!'—When will one cease to have occasion to repeat the saying of the wise Spaniard, who first told men that he ever dreaded a foe's wisdom less than a friend's folly? But the other day the advocate of Colonization and Colonial rights seemed likely soon to have no one to oppose him in the beaten way of argument. The old fear that Colonies must always be lost as soon as they should begin to be worth having, was fast dying away; and with it that feeling of almost indifference to Colonies and Colonization to which it had mainly given rise. The long threatening precedent of 1776 had at length just been set aside by one of happier omen. Though neglected grievances

[1] Article by Wakefield in Fisher's *Colonial Magazine*, vol. i, No. 7, July 1844.

had ripened, in all our North American Provinces, into general discontent; and though, in two of them, ill-managed and tardy concessions had even forced the discontent into premature rebellion; yet for the other Provinces the concessions had been made in time; in Canada, the miniature civil war which broke out, had been successfully put down; the danger, for the moment imminent, of a war with the United States, had been averted; and, last and best, the Union of the two Canadas had restored them a free constitution, their House of Assembly had tried its powers, the Executive had placed itself in harmony with the public voice, and the Colony, so long the most troublesome of our dependencies, for the first time boasted a Provincial Government as strong as it was possible for popularity to make it. The experiment had been made, and was successful. Colonies, all but lost by the old system, had been won back by the new. What then, in spite of 1776, was to prevent their being kept? Thinking men of all parties were gladly yielding themselves to the belief that they could be kept; and well aware before of the vast importance of Colonization as a social and economical relief to the overburdened masses of our population, rejoiced that the last objection to it was removed. The politician was ready to admit that Colonies could not be founded too fast, nor too great facilities be afforded for their rapid growth, nor too liberal securities be given, in the shape of decidedly popular institutions, for their good government.

What a time for our friend's folly to choose for mischief! No sooner are things thus beginning to look settled, than we hear that in Canada and Nova Scotia, almost at the same instant, they have managed to unsettle them. In both Provinces, popular men brought into power by the new system have abandoned office: in both, the old war-cries of the popular party are raised, as of old, against the Provincial Executive. Whatever the difference between the two cases, (and I hold and mean to prove that in reality there is the most essential difference between them,) the Provincial papers, almost without exception, speak of them as part and parcel of one struggle, as springing from the same causes, and involving the same principles. To all but those who are well acquainted with the details of the political controversies of the Colonies in question, or have some special means of information to rely upon,—that is to say, to almost every one, the news comes as of a mere quarrel, in two Provinces at once, between the popular party and the Governors,—a quarrel just like the old quarrels that a few years ago threatened the loss of a great part of our Colonial Empire; but far more threatening, because seeming to show the utter inefficiency of the new system on which we were beginning to rely for its preservation.

Responsible Government for Colonies, say some, its opponents from the outset, has proved itself the folly we always said it was. It has been tried, and is a failure. The having conceded it to our North

American Colonies is hurrying on their last struggle for independence—has absolutely sealed their fate as dependencies of the Empire—has rendered it next to impossible to refuse its early concession to our other Colonies, and has thus made the danger of our soon losing them also more imminent than ever. Others again, of old its lukewarm or less zealous friends, without quite believing in, still cannot wholly disbelieve these prophesyings of evil. The confidence that is not based on full information and settled views, is always over apt to give place to apprehension. They more than admit the case to be a doubtful one, and rather wish than think its dangers overstated. A third class, still advocates of Colonial Responsible Government, admit to themselves with regret that perhaps the event may prove the system to have been given in British North America too late or too grudgingly to prevent evils which previous mismanagement had made inevitable; and lament the possibility there is that a failure so occasioned may now be set down to the wrong cause, may not only carry back the public mind to its old habit of indifference to Colonies, but impress upon it a settled aversion to Colonial free government, and thus most seriously prejudice Colonial interests, by preventing or long postponing that consummation so devoutly to be wished for—the establishment by the national voice of an enterprising, enlightened, and comprehensive system of Colonial policy.

For my own part, all the observation and thought

I have been able to give the subject, leads me to rank myself with those who least of all incline to these misgivings. It may be rash to say too confidently that it is impossible for the experiment of Responsible Government to fail in any of our Colonies. It was not tried in Canada till after the case had been proclaimed desperate without it; and even then its failure is not as yet so much as probable. Neither there nor any where else can it be the cause of failure. In every Colony, without exception, we must try it, sooner or later, unless we mean to throw away all chance of success.

It may be worth the while of such as would willingly form right conclusions on a subject of national importance, to bestow a little thought on this. Colonies, to be sure, do not yet regularly figure in Queen's speeches, nor usually make much noise in Parliament; but the subject of colonization has, for all that, begun to take a deeper hold on the public mind than this silence would imply, and is in reality one of more importance in a national point of view than nine-tenths of those even who call themselves its advocates have any idea of. And this question of the true principles of Colonial Government is one, of which not only every public man, but every man among us having any pretensions whatever to political information or discernment, ought to be thoroughly master. It is not too much to say, that upon our Colonial Empire depends, and from henceforth must more and more depend, our national greatness. If the public mind is to be

uninformed and careless as to the policy which alone can keep that Empire, what likelihood is there that the Government will be so enlightened as, of its own accord, to mark out for itself that policy, so persevering in its watch over itself as steadily to adhere to it ?

There are those, I am well aware, who will incline to think it a useless labour, this attempt to preserve a Colonial Empire at all. It was long held that Colonies must necessarily separate from the Mother Country, whenever they arrive at that stage of improvement which may enable them to assert their independence ; and many yet take it for granted that they always will. But upon what sort of ground, I feel bound to ask, does this notion rest ? All depends upon the temper of mind in which they may be when they reach this stage. Will they wish for separation, or will they not, is the question ? What right have we to presume, as a matter of course, that they will seek so great a change, whether they have or have not any real reason to be dissatisfied with their actual condition ? It is nothing to say that in this or that instance, ancient or modern, Colonies have in fact desired and gained for themselves independent nationality. In every one of these cases there has been an obvious cause for their having done so, in the injustice or folly with which they have been treated. Colonists carry with them from home just as strong a feeling of attachment to that home as those who stay there cherish ; nay, the very leave-taking tends to make

the feeling, for their after-life, the deeper. The memory of the heart deals always far more with its sunshine than with its clouds. To their dying day, the old country is emphatically 'home'. They seldom or never fail to teach the lesson to their children; and their children and their children's children are seldom or never slow to learn it. The instinct of country of the natives of a Colony must point to the land of their birth, the only country they have personally known; but the old-country remains the home of their traditions, the father-land whose institutions and glories they love to dwell upon as still their own. Why is it that this lesson of attachment has so often been unlearned? Why, indeed, but because powerful influences have been wantonly called into play, to counteract the otherwise natural tendency of things? The Colonial tie has been made irksome to Colonists, in spite of all that education and habit have done to make them cling to it. They have been treated as an inferior class in the distribution of the honours and emoluments of the state; almost any man of metropolitan birth being preferred in practice to almost any man of provincial origin. They have been thwarted as regards the conduct of their own affairs,—their local government systematically carried on, under the auspices of the parent state, just as they would not have had it carried on if they could have helped it. Metropolitan law-makers have sacrificed their interests to some imagined interest of the Mother Country, or sought (for sometimes, as in 1776, the

folly was even carried to this last extravagance) to deprive them arbitrarily of rights, which they valued too highly to endure to see taken from them. Causes like these there have always been, to account for colonial disaffection, wherever it has existed. Is it in the nature of things, that they must always be in operation wherever colonies are to be found? If so, then indeed we may hold that colonies cannot possibly be retained in their connexion with the parent-state; but surely, not otherwise.

And what, after all, is this concession of Responsible Government, as it is called, that the most mouselike politician can by possibility picture it to himself as likely to endanger the connexion of a Colony with the parent-state? What is it but the practical recognition of the Colonist class as equally entitled with the Metropolitan to the enjoyment of the inherent political and civil rights of the British subject; the treatment of the Colony, not as a mere appendage, but as an integral portion of the Empire? It gives the Colony so favoured, free institutions as nearly as may be resembling those of the Mother Country; the political institutions which we have a right to take it for granted they will prefer before any others that could be offered them. It leaves them to manage their internal affairs with no more interference than is in the nature of things inevitable. And it implies the regulation by the Imperial authority, of those great general questions of public policy which must not be left to any other control than its own, in that spirit of fairness and considera-

tion which it is as much the interest of the parent-state to manifest, as of the Provinces to require.

Hasten the loss of Colonies, indeed, by a policy like this! Yes, when the taking away of all excuse for discontent shall become the means of driving men from loyalty into disaffection.

But a Province left thus to itself, says a certain class of objectors, might just as well be declared an independent state as not, for anything the parent-state is to gain from the connexion. To call it still 'a Colony' is an absurdity in terms. I am well aware that from the fact that colonies have so constantly been governed on the opposite principle, the word has acquired what may be called a historical sense, and means with many a territory governed from abroad for interests foreign to its own. In this sense of the term, Provinces governed as they ought to be would doubtless cease to be Colonies; but not in any other. Ask the political economist. He must reply, that a well-governed Province—and no country inhabited by freemen can be well governed unless it is popularly governed—that a well-governed Province not only is as much a Colony as a Province unpopularly and badly governed, but that it is by far the better kind of Colony of the two. The stream of colonization pours in upon it from the Mother Country, and its commercial value increases in consequence, all the faster and more steadily for the increased prosperity which good government necessarily ensures it.

Or ask the statesman. Must not his answer be,

that to every useful intent, a country thus circumstanced remains a Colony so long as the government of the parent-state presides over the administration of its affairs, and regulates the general interests and foreign policy of the Empire? What can it matter to the Mother Country which of two sets of Colonists hold office within their own Province, and see to the making of its roads and bridges, and to the administration of its other local affairs, provided always the Province recognizes her supreme authority, and does not seek to contravene the general laws and rules of policy by which the Empire as a whole is bound together? The one danger the statesman apprehends is, that this political tie may be severed, that the Province may some day or other come to have a foreign policy of its own; that it may then cease to welcome our surplus population, to invite our trade, to swell our national resources for peace or war; that it may even join in the war of tariffs against our manufactures, transfer its alliance to a hostile state, or adopt a directly hostile policy of its own. Can he fancy that to avert this danger, to prevent the Colonist from losing all his love for the Mother Country, and resolving not to submit to her authority in the few cases where she has an interest in his so doing, and where too she has strong inducements to study his interests as well as her own, it is necessary for her interference to vex him at every turn, in matters about which he feels and knows that no one but himself is either tolerably well informed or ever so slightly intrusted? One is forced to think

that there are men whose profound acquaintance with human nature has led them to this sage conclusion ; but in very truth, no one can pretend that such reasoners are not far enough from being statesmen.

It may be said, perhaps, that however well all this may look on paper, the scheme is utterly Utopian and impracticable. The essentially dependent position of a Colony, and the very different state of society that must prevail there, where all is new, from that which exists here, where everything is old, make it impossible to carry out the project.

Unquestionably, it is impossible to establish in a dependency the literal and exact transcript of the political institutions of an independent state. Unquestionably, also, the social condition of a colony, however founded, must differ materially from that of the parent-state ; and more especially where the aristocratic element prevails in the latter as it does with us. The privileged classes are much less apt to leave their country than are the unprivileged. Poor men emigrate in crowds ; peers, almost never. Arrived, too, in a colony, the poor man and the rich are thrown on their personal resources, as they never could have been at home. The rich man quickly sinks, unless his industry and enterprise sustain him ; and the poor man as surely rises, unless his follies or vices keep him down. There is thus everywhere a strong natural tendency towards equality of condition, which at once makes hereditary aristocracy impossible, and admits neither of the immense

wealth, nor yet of the extreme destitution, which are to be found side by side in the Old World. Nor is the state of things much more favourable to church-establishments than to aristocracy. A large proportion, perhaps more than half of all who emigrate from the United Kingdom, are Irish Roman Catholics; and a very considerable proportion of the remainder belong to neither of the established churches. The general colonial tendency, besides, is as decidedly towards independence of thought and the recognition of an entire equality of religious rights, as it is towards social and political equality.

It is clear enough, then, that in attempting to give to our Colonies political institutions essentially modelled upon our own, it is idle to think of their adopting all our aristocratic peculiarities, be they ever so cherished or venerable, whether in Church or State. In the one or two of our most recently-planted settlements, where pains have been taken in the first instance to transplant an organized society of rich and poor, landholders, merchants, tradesmen, artisans, and labourers, all together, and to have them carry at once with them from home into the wilderness their church and school-house, a state of things promises to grow up more like our own than is to be found in our older colonial possessions. But no such marked inequalities of rank as prevail at home can by any chance be made a lasting feature of the social state, even in colonies so founded. As to hereditary rank, with here and there perhaps a solitary exception, it is a thing not to be thought

of. The political franchise, too, must be more extended, and representation more nearly apportioned to population, than with us. And as regards privileged church-establishments, every Colony had need be allowed altogether its own way. If it want them, they are easily to be had. If not, it will be worse than folly to try to force it to put up with them.

Does it follow that the British Constitution cannot in its essential features be given to a Colony,—so much of it, that is to say, as the Colony can ever want or make useful? No doubt there are politicians who would draw this inference from the premises I have laid down; whose delight is so especially in the church and aristocracy, and who regard with so little partiality the more popular features of the Constitution, that while they would fain impose the former on every Colony, at whatever cost, they had a little rather not be obliged to see the latter prevail in any.

The true question to be answered is this, Which of all that host of usages and institutions to which we give the collective name of the British Constitution, is in reality to be called its essential characteristic? Very vague notions naturally enough prevail on this point. The Constitution being unwritten, the cry is perpetually raised whenever any political change of magnitude is under discussion, that it threatens the Constitution; and with many the cry avails to create the impression that almost every existing institution is somehow or other an essential part of

it. But, for the purposes of the present inquiry, this question must be looked into more closely. It is the more important to do this, from the fact, which I shall establish presently, that the want of clear and correct ideas upon this very point is not only the primary cause of whatever vague apprehension prevails in this country about the concession of Colonial Responsible Government, but has also occasioned those blunders of some of our colonial friends which have lately contributed to increase that apprehension. One and the same lesson is wanted, to teach us confidence, and them caution.

It is not then the existence of a hereditary aristocracy, with extensive privileges and vast wealth, that is the essential characteristic we are looking for. Other countries in abundance have such an aristocracy, without possessing anything in the shape of political institutions ever so remotely resembling the British Constitution. This country, too, had its hereditary peerage for centuries before what we now recognize as the Constitution was in existence. Nor yet is it to be found in the generally aristocratic character of our institutions, the gradations numberless of rank and degradation, of wealth and poverty, the wide contrasts of the privileged and unprivileged classes, and the unequal distribution between them of political power. These also are found to co-exist with all sorts of forms of government besides our own. So too, are established Churches and Lords Spiritual, of every kind and creed. All these a nation may have, and know nothing of the British Con-

stitution. Our Colonies may have it, and know nothing of them.

The really essential features of the British Constitution, to which everything else in it is altogether secondary, are two in number. The first consists in its mode of reducing to practice, by means of a strictly-defined and jealously-maintained system of ministerial responsibility, the old maxim that 'the King can do no wrong', that his acts and intentions must always be right, and may not, under any circumstances, be so much as imagined to be otherwise. The maxim itself is one of very ancient date, and of universal currency wherever monarchy exists; indeed, it may be said to be the first instinct of that unreflecting loyalty which invites, and, in the history of the world, has so often produced, despotism. So, too, is the notion of ministerial accountability an old one, perpetually acted upon in fact in all countries, wherever, under the pressure of real or fancied injury, people's loyalty or cowardice have not been strong enough to keep them true to the faith of non-resistance. Popular movements for redress of grievances are sure to strike first at the Crown's servants, at obnoxious agents of its power, who are supposed to have gone beyond its instructions, or at some unpopular favourite, who is thought by his influence over the Sovereign to have perverted them. It is only after vainly avenging itself on the petty instruments and more prominent abettors of misgovernment, that discontent strikes at the Sovereign himself, tries to force him by express stipulations to

respect the public rights, or, failing that means to secure the end desired, aims its blows directly at his throne or life. All this, however, in the earlier stages of the struggle for good government, it is sure before long to do; for the Sovereign never fails to take such steps in behalf of his servants and favourites as in the end identify his cause with theirs, and leave the malcontents no other alternative. In this country, as in every other where authority has ever been resisted, these rude means have been tried again and again, but with very indifferent success. Our history for several centuries is the record of their perpetually proven insufficiency; of Great and Forest Charters given and renewed times without number, yet never adhered to; of popular vengeance repeatedly visited upon the ministers of oppression, yet no less richly deserved by their successors; of civil wars more than once changing the succession to the throne, and ending at last in the temporary overthrow of the throne itself, and the public trial and execution of a King for alleged treason; of conflicts with the Prerogative still needing to be renewed under his successors, and resulting again in a dethronement, though happily not in the experiment of a second Commonwealth, or the canonization of a second Royal Martyr. From that last revolution, however, dates the wiser practice which has since prevailed, the system now never for a moment departed from, of ascribing every public act of the Sovereign, without exception, to the agency or advice of certain of his servants, functionaries of

State named by him and holding office during his pleasure, but who stand before the country as the Responsible Ministers of the Crown for the time being, must defend all its acts in Parliament so long as they are in office, and must yield their places to other men the instant they are no longer able to do so with success.

The second grand characteristic of the Constitution, is to be found in the admitted practical ascendancy of the House of Commons. At first summoned at long and varying intervals, a mere adjunct to the Upper House of Parliament, simply to assent to such new imposts as the Sovereign's necessities or extravagance might demand, it has by slow degrees risen to the real, though carefully veiled mastery of every interest in the State. Once humbly praying for redress of grievances, apologising for the very necessity as it did so, and quietly submitting to royal rebuke for its presumption ; then demurring, though with bated breath, to increased taxation, while old complaints remained unattended to ; rehearsing presently, in new tones of tempered menace, their catalogue of popular rights and wrongs, and refusing point-blank to talk of the King's wants, till he should have said something to the purpose about the urgent wants of his most faithful but by this time rather refractory Commons ; it is at length seen making war upon its Sovereign, dethroning and beheading him, suppressing by its vote the House of Lords, and for a time converting the very Kingdom into a Commonwealth under its own sole rule.

The victim of its triumph, and for the time rendered ultra-loyal by the lesson, we find it again driven, in spite of itself, into its old course of reluctant money-votes, discussions of all manner of state questions and remonstrances against all manner of grievances, till, by the Revolution of 1688, fairly established in an ascendancy more lasting than that which Cromwell's victories had before given it,—an ascendancy the safer, and yet not a whit the less real, for being so masked and guarded as to be compatible with the safety of the Throne and the preservation of the House of Lords. To all practical intents, the House of Commons, though in theory but the third estate of the realm, has become the representative embodiment of the nation as a whole. The Upper House is the especial representative of the aristocracy, a grand council of revision less amenable than the Lower House to popular control, with higher rank and more show of privilege, but having far less of the reality of power. The Sovereign, as the supreme head of the nation, secure in the responsibility of his Ministers, retains unquestioned every Prerogative required for the administration of its affairs. If his Ministers cannot so shape their course, as to carry with them the House of Commons, they either must induce him to dissolve the House, or must resign; for the powers of the House are such, that without assailing the Prerogative, or so much as threatening a single Minister with impeachment, it can make the government of the country impossible, in the extreme case of a determined refusal of the Ministry to meet

its wishes. It can stop the supplies, and refuse to pass the yearly Mutiny Bill. The Sovereign may still choose and command his servants as before; but, except so far as the Civil List goes, he can no longer pay, and ceasing to pay, can besides no longer punish them. His very army and navy on a given day would stand released from every obligation of discipline. From the extent of this power, it necessarily follows, that its exercise is really never thought of. Long before things come to this pass, a Ministry not having the confidence of the House, always finds itself under the practical necessity of retiring, or trying what it can do with a new House. Should the new House too prove adverse, the struggle is at an end. No Ministers so outvoted would dare cling to office; and the Sovereign has therefore to find others to take their places, and do for him what they have failed to do.—The House of Lords has no such power as this. It may modify the policy of Ministers, or may greatly embarrass them (provided they are not overwhelmingly strong in the support of the House of Commons), by placing its veto on their measures; but it cannot turn them out, so long as the Commons are their friends, or are even willing to let them stay in office. Against the determined will of the Commons, backed by the public voice, it cannot for any length of time make a successful stand, even in its veto of a legislative measure; for, as the Commons virtually control the Ministry, and the Crown can always create Peers, there is ever a quiet influence at work tending to assimilate the

Upper to the Lower House. And in any crisis of peculiar urgency, such for instance as occurred in the days of the Reform Bill, it is always within the power of the latter to insist upon the exertion of that influence to any extent that may be necessary to secure the end in view.

Such, I repeat, are the two cardinal principles of the Constitution, the strict adherence to which is absolutely essential to its existence; the first, that Ministers must assume the entire responsibility of every act of the Crown while they remain in office; the second, that the popular branch of the Legislature must have that ascendancy in the State which will enable it to force them out of office, if the acts and principles they appear before it to defend, are such as it is disposed deliberately to condemn. These conceded, the rest is matter of necessary inference. The check upon the powers of the Sovereign is so perfect, that it ceases to be felt. His Prerogative and his person at once become absolutely unassailable; for both are identified at every instant with the most obvious interests of the statesmen who lead the party or parties that constitute for the time being the effective majority of the nation. Nor does this safety of the Prerogative rest merely on the interest which the Ins, with their majority, have in maintaining for themselves the powers they need for the due administration of the Government. The Outs have the same interest in it; as their leaders may soon in turn occupy the Treasury Benches, and the prerogatives of the Crown be wanted to shield

and strengthen them. In like manner, the Ministers of to-day may be the Opposition of to-morrow, and must have an eye to the chances of future popularity, independent of the mere possession of executive power. The system is thus a constant check on the otherwise inevitable tendency of party to rush into extremes. By consent of all, the highest prize, the Crown, is placed hopelessly out of reach; so that the incentive is wanting to that turbulent atrocity of party-warfare which is natural to the Elective Monarchy or Republic, where the opposite policy is adopted. And the prizes that may be gained, brilliant enough for the most aspiring ambition, can seldom be won, and never kept, except by men who display a reasonable degree of moderation in their pursuit or exercise of power. Every possible security is given for the perpetuity of the system, the constant maintenance of the same essential principles of government, be the party of the majority what it may. And the Government must always be a real and effective one; since, whatever the other checks interposed by the Constitution, it must always rest upon, and be the impersonation of, the working majority of the House of Commons. There can be no uncertainty as to its character and policy. The temper of that one legislative body determines them.

In fact, from the era of the establishment of these great principles, discontent has been driven to an entire change of tactics. Instead of uselessly assailing the Crown, it at once lays its charges before the People against the People's House; sets itself to

work with the constituencies, to carry future elections against the ruling majority; or, if its projects be too vast for a mere appeal to the constituencies to suffice to bring them about, enlists the unrepresented masses in its agitation, to force alike electors and elected to give their earnest heed to popular distresses, to demands for cheaper bread, reform in the apportionment of the representation, universal or household suffrage, and the protection for the poor voter of the vote by ballot.

It is strange that so many people seem to take it for granted, that Colonial Liberalism, however it may affect admiration of the British Constitution, must secretly be aiming at republican institutions. The suspicion implies a compliment to the latter, which I own I am not disposed to join in paying them. The one cause of those results in the United States which *some* Liberals here have ascribed to an imagined superiority of their institutions over ours, is really to be found in the social condition of their people; in that sparseness of population and abundance of land and food, which make it impossible they should as yet have any 'uneasy classes', like those which with us form a large proportion of the constituencies, and beneath them make up the threatening aggregate of the unrepresented masses. Visit upon as large a portion of their people the fearful wretchedness of our pauper millions, or give those millions the comfort which theirs enjoy, and the extended suffrage which it would naturally bring after it; and what would the comparison then be?

Our Colonies, it should be remembered, enjoy this vast social advantage in as high a degree, to say the least, as the United States. Why should the *bona fide* working out of the principles of the British Constitution leave them anything to hope or wish for, from the establishment in its stead of a proclaimed Democracy?

In point of fact, it is easy to show that the Democratic system not only is not better than the one we have to offer them as a model, but that in a variety of most important particulars it contrasts with it most unfavourably.

The greatest, and no doubt the best constituted Democracy the world has ever known, is that of the United States. It may well be doubted whether any much better machinery could be contrived for the carrying out of the Democratic principle of government. Its founders were men of extraordinary energy, discretion, and ability; brought up in the best school of politics, and forced by great events to make themselves great men. It will be long before another occasion can arise, so favourable in every way for the successful establishment of a great, well-organized Republic.

These great men copied largely from the model the Old Country set before them, but from the necessity of their position were unable to copy its really essential principles. Some of the ablest among them were most anxious to have made the copy more like the original; in fact, to have retained Monarchy, and not utterly renounced Aristocracy. But the

task would have been hard, perhaps impossible; even though the people had given them, what it actually refused, the permission to make the experiment. The founder of a dynasty can surround his throne by no illusion save one, the illusion of military glory. Without it, his throne has no security. With it, the liberties of his people have none. The people of the thirteen States could hardly have chosen but as they did. Yet so choosing, their whole framework of government, copy elsewhere as they might, became a new experiment. Their Presidential election must be a direct choice, by the people, of a citizen to take rank with reigning Sovereigns. The more frequent such election, the more constant the excitement it must keep up throughout the nation; the less frequent, the more terrible, so often as the time for it should come round. Elected by the people, it was impossible he should fail to think himself their representative, as much entitled to claim to speak their voice on any given question, as any body of men chosen by them to be their delegates in Congress. Known, too, by his past life, as the politician of a certain party, the advocate of certain views and measures, he must of course insist, throughout his term of Office, on maintaining those views, no matter what may be the views of the other branches of the Legislature. His powers, therefore, must be so defined, as neither to allow him to overbear them, nor them to overbear him. His *veto* upon legislative acts is to avail only when the acts in question are not sustained by a vote of two-thirds in both

branches ; but, with this limitation, it is a personal power which he may exercise, and actually does exercise, as often as it suits him. He appoints to office, but only with the 'advice and consent' of an independent body, the Senate, often hostile to himself and his policy. Yet through this ordeal his very Cabinet Ministers must pass. Of course, they must have a political existence apart from his, and from each other, as well as he from theirs. He is not answerable for their acts, nor they for his. He may dismiss, but can scarcely ever be said to command them ; they may advise him, but certainly cannot be said to have any means at their command of making him follow their advice. If they resign, he can soon find others ; for it is not the confidence of the country in an entire Cabinet, but the mere assent of the Senate to the appointment of this and that individual, that is needed to enable him to fill their places. This assent he can always get, sooner or later, for some one who will do well enough to serve his turn ; and till he does get it, *ad interim* appointments are an easy expedient. A Cabinet of this sort could be no Ministry, in our sense of the word, even though its Members were not expressly excluded from the Legislative Bodies, by that feeling of jealousy with which an Executive organized under an elected head must always be regarded by the people. From this exclusion, the Legislature and Executive can correspond only by addresses or requisitions on the one side, and messages and returns on the other. To get on at all with business,

each House is driven into an organization of Standing Committees, each with its Chairman of the politics that suit the majority, who has duties to perform in the House considerably like those of a Minister in Parliament; and, provided the majority is of the President's party, the arrangement answers tolerably well. But both Houses may be at feud with the President and his Cabinet, and yet the latter hold their ground; or again, the Houses themselves may be at feud with one another, in which case, as both are equally chosen by the people, neither can be in a position to make the other yield. The Representative majority may thus be of one party, the Senate of a second, and the President of a third; and all three able to insist on their respective preferences, let the dead-lock cost the country what it may.

Such capacities for obstruction would be unendurable, but for the device of pretty frequent elections. The contending powers appeal perpetually to their one master, the People. The intervention of the People can alone decide between them; and in proportion to the frequency or infrequency of that intervention must be the obstinacy of their contests, whenever they are brought into collision. The framers of the Constitution of the United States displayed great ingenuity in their contrivance for making it as constant as possible, without resorting to that extravagance of yearly elections which characterises the more rudely democratic Constitutions of nearly all the individual States. The House

of Representatives is directly elected by the people, for the term of two years, each State sending a delegation nearly proportioned to its population. The Senators are chosen for a term of six years, two from each State, and by the votes of their respective Legislatures; one-third of the whole body retiring every second year. Vacancies, however, by resignation and death (for very few Senators are young men, and they are a class of men in great request for Governorships, Foreign Missions, and other high Offices) make the process of renewal considerably more rapid than the Constitutional rule prescribes. The President is elected for a term of four years, by the vote of the people given in their several States, each State throwing a number of votes equal to the number of its Senators and Representatives together; or, if no candidate succeed in gaining a majority of all these votes, by the House of Representatives, in which case the vote of the delegation of each State counts alike. With such rapid changes of the leading actors, it is easy to see that no obstruction any of them can offer is ever likely to last long. Their perpetual collision must have the one merit of perpetual variety.

At the same time, however, there can be no doubt that the resort to these different modes of electing increases the risks of collision between the three elected powers, and makes indeed the chance of their all pulling one way at any given time a very slight one. It is nineteen years since the younger Adams became President; and as he was the man of a

minority, chosen only by the House of Representatives, after failing of his election by the people, it was not strange that his administration never commanded the support of the two Houses. Andrew Jackson, his successor, twice chosen by the people, and personally popular from first to last, was still hardly any better off. At first it was the Senate that was hostile; more than once in the course of his war with the United States' Bank, both Houses thwarted his favourite schemes, and left him no revenge but to veto theirs; and at the close of his eight years of office, when the Senate had at last become what he wished, the other House, moved by a newer tide of popular feeling, was in any thing but a reliable temper. He left office without ever having had his own way in legislation. What he did, he did by dint of executive boldness—by stretches of prerogative in sheer defiance of his fellow-lawmakers, such as no Sovereign would think of trying with an English Parliament. When Van Buren succeeded to the Presidency, the Senate was with him, and the House hostile. Four years after, when he left it, his party commanded neither. The great revulsion of public feeling caused by the general distresses of the time, for a wonder, gave the country a President, Senate, and House, all of one party; but the wonder was too great to last. Harrison's death devolved the Presidency on the Vice-President, a politician of the party in the ascendant, but one who happened to have some notions of his own not altogether identical with those of most of its other

leaders. In a few weeks' time, accordingly, he had committed himself one way, and they another. The President, for the last three years, has been at variance with the two Houses; more bitterly so, if possible, than any of his Predecessors ever was before him.—At no time in the whole nineteen years, do we find the Executive strong in the confidence of the Legislature; the makers and administrators of the laws not at variance; the machinery of government and legislation working smoothly.

Another peculiarity of the system requires a passing notice. The Constitution, in place of being, as with us, a mere affair of law and usage, its authority paramount simply because it is never questioned, is a written Instrument enacted with peculiar formalities, not open to amendment except in a certain prescribed manner, admitting of authoritative interpretation only by the Courts of Law, and, as the paramount law of the land, having such effect as to make null and void all other laws not strictly conformable with its provisions. The Courts of Law consequently have to sit in revision of the proceedings of the Legislature, not merely to interpret, but positively to allow or disallow them; and in the discharge of this duty no other power in the State can rightfully interfere with them. They rule a law to be unconstitutional; and it has become inoperative. The Executive has no longer the means of enforcing its observance. Congress may re-enact it; but the new law is worth no more than the old.—Here again is a power absolutely foreign to our

system, absolutely essential to theirs; a power, too, that is still further obstructive; an absolute Judicial *veto* upon acts passed by all three branches of the Legislature. I am far from saying that on the whole the existence of this power is an evil. Its non-existence would be fatal to the system; and it therefore does much more good than harm. But it is impossible not to see that it must tend to two results, among others. By constituting the Bench a political power, it drags the Judges of the land continually into politics; makes it an object with contending parties to have it occupied by men of their own school; exposes the Judges to the influence of political alliances and hostilities, and the Judiciary itself to inevitable danger from the democratic spirit against which it is thus specially set to guard, and which in turn is driven to assail it as the one anti-democratic Institution of the State. It is hard to imagine that the Judiciary can very long maintain its independence against such assaults. Indeed, indications are not wanting that they have already proved only too successful in undermining it.—The worse result of the two, but not the only one that calls for remark. This judicial *veto* has the further bad effect of adding to the confusion of the grand *mêlée*, of making it still harder to ascertain where the real governing power of the country resides,—more impossible, if the expression may be pardoned, for any party assuming to conduct the government ever to obtain that ascendancy which is in fact necessary to the existence of a real Government.

To the instinct of jealousy that presided over the contrivance of the whole system, all this multiplying of checks and balancing of powers appeared, no doubt, the constitutional 'one thing needful'. The people's servants were to be prevented from abusing power. What rule so simple as that of trusting them with no power to abuse?

A simple rule enough. But the question is as to its efficiency. What sort of a Government does it result in? Trust a public servant with no power, and you impose on him no responsibility. Mischief is done; but he declares it was not done by him. He could not help it; you must call to account those who would not let him have his own way in the matter. You do so, and they one and all make the same excuse; each accuses others, and protests he was forced to do whatever you blame, prevented from doing what you would have wished. The more evenly balanced their powers of mutual embarrassment, and the shorter the term of their appointments, the less their responsibility. The public, eternally busy electing them, or others instead of them, cannot have time to make itself master of these endless controversies, and must decide for or against each upon all sorts of grounds, foreign to the true question of his own real merits. Hence arise, on the one hand, a license of partisan-attack upon all political opponents, and on the other, an audacity of conduct on the part of those liable to such attacks, both alike inconceivable in their recklessness, except by those who have themselves witnessed the actual

results of the system. The one safeguard men seek is that of party. They must speak and act *en masse*, each as his political friends wish or will let him ; and the one aim of each party is by all means to damage its opponents. This caution observed, no one need trouble himself to look much further. There is little fear that anything he can say or do for his party will ever rise up in judgment against himself. All hangs on its defeat or triumph. With every alternation of party ascendancy follows the instant seizure, by the victors, of the utmost possible amount of official spoil ; removeable incumbents, high and low, all turned adrift to make the more room for the new-comers. The triumph is always too short-lived and too partial for either side to have time to stick at trifles.—Ample security in such a state of things that the country shall never want for political excitement ; but what chance of its ever having any thing that can be dignified with the name of a *bona fide* Government,—a body of public men really conducting its affairs upon fixed views of public policy?

That this is no fancy-sketch will be readily admitted by every one at all conversant with such matters, who has ever visited the United States and given any measure of attention to the subject of their politics. Indeed, even of their own people—those of them, that is to say, who allow themselves to observe and reflect—there are few, I venture to think, who are not aware that the case is as I have stated it. The despotism of public opinion forces every professed politician to call the institutions of

the Great Republic perfect, and the voice of the Majority infallible; and few dare openly raise their voice against the received formula. But by their mutual recriminations all parties more than admit the contrary; and, dosed as the Sovereign People are with flattery, they are not so wholly its dupes as one might fancy. Flatterers and flattered, all who think in their hearts, know better, however they may shrink from saying so.

Nor are the evils I have been describing the fault of the people of the United States, rather than of their political institutions. They are not accidents, but necessary results. The quasi-sovereignty of the individual States, each with its own Constitution, Executive, Legislature, and Judiciary, aggravates them, but is not their cause. They follow inevitably from the first principles of the system, the absolute sovereignty of the people, the abrogation of the forms of hereditary monarchy, the refinement of precaution necessary where limits are to be set to the powers of elected rulers. The wonder is, that the American people have made the system work as well as they have. Their social and economical advantages, as a people without paupers, have done much for them. But the people themselves are, besides, a most extraordinary people; their natural genius for self-government such as perhaps no other whole nation ever had before. They came into existence as a nation, with established laws and usages admirably calculated to secure them the advantages of good government, be their form of

government what it might. To the South and South-West, the existence of Slavery has interfered with the operation of this influence; and throughout the far West, population hurries back into the wilderness too fast for civilisation by any chance to keep pace with it. But these influences have as yet by no means finally prevailed. The general high character of their criminal and civil codes remains; and the administrative machinery of their municipal systems is everywhere good, and in many States hardly admits of improvement. By superficial observers these advantages have sometimes been spoken of as a result of their form of government; but nothing can be further from the fact. They are the result of a state of things that existed while the States were still Colonies; before their present republican Constitutions were thought of. And, but for their conservative tendencies, the radical defects of those Constitutions would have made themselves vastly more manifest, long enough ago.

What is it, then, that is to make any large class of the people of any of our Colonies secretly desirous to exchange the political institutions of Great Britain for those of the United States? Of course it is possible to imbue them with this feeling. The old system of colonial misrule is an infallible specific for the purpose. Deny them the political institutions of the parent state, and they are no British Colonists if they do not seek any other form of political freedom they may have any chance of getting instead. Offer them, on the other hand, freely what

they want; and rely on it, their hearty choice will be the system they have been used to and understand. What miracle is to render the foreign novelty of Republicanism the more attractive system of the two?

As regards the North American Colonies, where this spirit has been most apprehended, the truth is, that all the mismanagement of the old *régime* has by no means brought about any such result. It produced universal discontent and some disaffection. But the Great Republic was too near for even discontented men altogether to admire the prospect its institutions held out to them. In its worst days Canadian Liberalism never sought Democracy but as a *pis aller*, and most reluctantly. At the present moment it would puzzle one to find a single man in public life in all British North America who would not indignantly repel the charge of harbouring any, the very slightest, inclination towards it. As to the practical results of the democratic institutions of the United States, few give the subject such close attention as to form any very clear notion of the *rationale* of what they see and hear. But see and hear they must; and the jarring of the machine startles them none the less for their not knowing precisely how and where it is out of order. Besides, the whole country is a Border country, and its people regard the States with only too much of the Border feeling. The Lower Provinces settled by loyalist refugees from the old Colonies; the bulk of the population of Lower Canada, French Canadian; and

Upper Canada, first colonized by refugees, and then fought for by their sons; tradition everywhere ministers to the feeling. Republicanism is little likely to have so much as justice at their hands.

Can the British Constitution, then, in its essentials, be granted to our Colonies? If it can, we may make ourselves quite easy about Republicanism.

We have seen that for this purpose it is not necessary they should have a hereditary Aristocracy, nor yet those other wide distinctions of class which prevail among us, nor yet any churches 'by law established'. These peculiarities of our social condition are not easy of naturalisation in colonies; and to try to force them into existence would be sheer folly. But is there any thing to prevent the successful introduction into our colonies of all that is necessary? Cannot each have a House of Assembly, occupying within its limits a position of qualified ascendancy analogous to that of the House of Commons? Cannot such House of Assembly be allowed to regard the Representative of the Crown in the same light as that in which the House of Commons regards the Sovereign; to fasten upon those Provincial Office-holders through whose Ministerial aid he carries on the Government, the same kind of responsibility to itself, which the House of Commons attaches to the Ministers of the Crown at home? And is not the recognition of these principles just as much the true keystone of the system in a Colony, as in Great Britain?

To what cause is it owing, that misgovernment and

discontent have so long been the constant accompaniments of our Colonial rule? We have never meant to tyrannise; yet it seems as if in every one of our colonies we had done so notwithstanding. Whose doing has it been? If it can be shown, that in every instance the mischief is clearly traceable to the non-recognition of these principles; that in all our Colonies where the existence of slavery has not interfered with the otherwise necessary tendencies of the colonial system, we must refer it wholly to the influence of an irresponsible oligarchy of Provincial Office-holders, a sort of natural formation of the earlier æra of all colonial history, everywhere moulding to its own fashion alike the Governors whom it surrounds and the Metropolitan authority that sends them; that though this has not been altogether the state of the case in those Colonies where slavery has till lately prevailed, there has at least been in them as in the others (though from another cause) a refusal to allow the representatives of the free class, who alone could speak as for their Colony, the substantial control of its affairs, and that now slavery is at an end the like social tendencies are steadily at work in them as in the other Colonies; if all this can be shown, as I am well assured it can, the inference is inevitable, that the only way to put an end to the mischief is at once to admit and act upon the principles, to give each Colony in good faith a voice in its own affairs, to make its resident Officials responsible to its Representatives, and so force them to make and keep its local government

popular, instead of odious to the great body of their fellow-colonists.

First, then, for the rise and progress of discontent in Colonies where slavery has not existed.

The principal Officials of a new colony are necessarily men who bring their commissions or letters of appointment with them from the old country; and even for some time after a colony has passed through its first stage of progress, as no great number of Colonists can advance any strong pretensions to its higher official employments, the practice, so agreeable to the tastes of Downing Street, of still sending out from home some of its better paid functionaries, is extremely apt to be kept up, and all the Office-holders of that grade to be tacitly regarded as holding their offices by a pretty secure tenure, in fact as incumbents for life, with a sort of right, besides, to certain comfortable facilities in the way of official provision for their families after them. Residing together at the seat of government, and forming among themselves the privileged society of Government House, their families associate on terms of intimacy, and intermarry. A common interest and common feelings array them into a Court caste, assuming to itself, from the very anti-aristocratic tendencies of the Colonial state, which admit of no other aristocracy to eclipse or rival that of Office, a kind and degree of consequence within its little sphere, such as no mere Office-holder class could anywhere else venture on, and parading an extravagance of courtier-notions, such as none but

courtiers so singularly tempted by their position could well venture on imagining.

Colonial Governors, on the other hand, seldom or never stay long in a government. Accident aside, their appointment is limited by a rule of the Colonial Office to a term of a few years; and in practice, the limit thus set is often not reached and very seldom indeed exceeded. Nor are they generally selected with any sort of care. Now and then, when the affairs of a particular Colony may happen to have forced themselves upon public attention, as for instance Jamaica did in 1839, and Canada in 1838, 1839, and 1843, a Governor may be specially chosen for the sake of his qualifications. But otherwise, the selection is a mere affair of patronage; and the influence of a man's friends a much weightier recommendation of his claims than any reputation for ability he can possibly bring to back them. And further, as very few Colonial Governments hold out any sufficient inducement for civilians of the required mark, Parliamentary men, Diplomatists, men known at the Bar, or high in any branch of the Civil Service, to seek them, the great majority of the candidates for such posts are military and naval men, Captains, Colonels, and Generals, men who have had to serve more or less in the Colonies, and may pretend therefore, with some show of reason, to understand colonial subjects better than other people can, accustomed to the parade of authority and fond of it, and condemned besides to an alternative of poor pay and sheer want of occupation. The consequence

is, that with the exception of a few of the more important Colonies, which have lately for particular reasons had Civil Governors sent to them, Colonial Governorships have been regarded not merely as a branch of the ordinary patronage of the Administration for the time being, but as a branch specially devoted to the benefit of middle-aged and elderly gentlemen, members of one or other of the United Service Clubs, and lucky enough to have a little more interest with the powers that be, than their fellows who may chance to be their rivals.

That Governors sent out in this way are more likely to be controlled by the Officials of their respective Provinces, than to control them, is a proposition that hardly needs proof. The first Governor of a Colony may have some chance of being master of the people he brings out with him; but every one who comes after him comes as a stranger, and finds the Official gentry in quiet possession of the ground and perfectly at home. They form his Council of advice. He must ask them for information upon all matters of business; must hear all they have to say, and if they are half as clever as their position is tolerably sure to make them, stands little chance of hearing much else to any purpose. They tell His Excellency precisely what His Excellency is sure to like best to hear; are wonderful admirers of Prerogative, especially the Vice-regal article; affect aristocracy, and are complaisant enough to make their Aristocracy the emanation and ornament of His Excellency's Court; are sticklers

for Church and State, and without requiring him to be ever so little sanctimonious, are quite ready, if he is the least in the world that way inclined, to exalt His Excellency into a Deputy 'Defender of the Faith'. The privileged leaders of the fashionable society of the Capital, their professional and commercial neighbours must follow suit or be nobodies, people 'not in society', beyond the Court pale, and shut out from all hope of Court favour. In a small community, where everybody aspires to vie with everybody else, (and this is the nature of the levelling tendency that prevails in every Colony,) this sort of exclusion is not to be thought of. The received gentlemen,—government officials, officers of the garrison, merchants, lawyers, doctors, men of any standing,—all respond to the Court creed. What can the apers of gentility do but gabble it after them? The gentry, professional and mercantile, of the seat of Government thus gained, that of the other towns can but side the same way; and the Oligarchy of the Bureau, master of these town interests, and having besides no small amount of government advertising and other patronage at its own disposal, secures a pretty firm hold upon the pocket-conscience of the Provincial Press. Jealous enough of all who come out from home to seek any of the offices it regards as its own *appanage*, it takes good care to enlist the sympathies of every newcomer of mark, not suspected of such felonious motives. He is welcome to rank as of the Aristocracy of the Province, to figure as a Justice of Peace, or

hold any other minor office of mere honour anywhere out of the Capital, provided only he will keep himself from being troublesome about places that give money, or the money-making privilege of a Governor's ear. To be sure, it may be unpalateable to the natives and older residents of the country, this seeming preference of new-comers; but even this result has its advantages. It makes a capital excuse for not letting them run off with any of the richer prizes, and yet helps the party to a class of supporters that can be made very useful though so cheaply gained. The old residents of the rural districts are precisely the people it can least count upon. The whole order of things must disgust them, at any rate; for it is impossible they should not soon find out how completely it postpones themselves, their feelings and their interests, to the interests and vanity of a mock aristocracy with which they can have absolutely nothing in common. Our Office-holders have therefore nothing to lose in this quarter. It is part of their court creed to profess peculiar attachment to the connexion of the Province with the parent-state; and no wonder, as by their reading their own ascendancy and the connexion are synonymous terms. If, by such professions and a few places of no value, they can secure the aid of the new-comer class, the more plainly the dissatisfied show their annoyance the better. Dissatisfaction with the system is in Court cant disaffection to Great Britain. The Officials have gained their hearts' desire, when they have

forced their adversaries into opposition to everything that ninety-nine Governors out of every hundred are certain to affect; when Church and State notions, aristocracy, loyalty to the Crown, and devotion to the Mother Country, are all identified with themselves and their ascendancy, when the sweets of office are monopolized by adherents of this sound doctrine; when townsfolk, gentry, and old-country people are their allies; when the press is at their disposal, and the feelings of the hostile mass of the people of the Province are branded by it as revolutionary, democratic, and disloyal.

Set down, now, in the midst of such a state of things, Governor after Governor, picked up as Governors are; give each a term of service too short for any but a thoroughly clever man to be able to make out the peculiar features of the local politics, and the real character of the people he has to deal with, before it shall be time for him to come away; and to what sort of position are they doomed? What chance have they of seeing with other eyes, or hearing with other ears, than those they find so complaisantly ready to their use the instant they arrive? As they see and hear, so must they act, and so report their acts. The people of the Province must weary over the endless repetition of the old game—new Governors, one following another, all meaning well, perhaps, yet all in turn befooled by the same flatteries of the same men, into the same career of unpopularity. And the books and shelves of Downing Street must be loaded with ever-new

versions of the old account of it, variously enough signed, but most suspiciously alike in their estimate of Public Officers' services and claims, of the priceless merits of the loyal party, and the deeply dangerous temper of the disaffected.

With Colonies of inconsiderable extent or population, this state of things may go on almost indefinitely, without ever making noise enough to attract attention beyond their own limits. If they have not charters securing them the form of representative institutions, all they can send home will be a few ill-advised Memorials for redress, from folks angry and simple enough to waste their time in writing to Her Majesty's Principal Secretary of State for the Colonies; grumbling letters to other people; and newspapers, with perhaps now and then, on occasions of more than usual provocation, a pamphlet or two of complaint, to no one in particular; and when arrived, memorials, letters, papers, and pamphlets, hardly any body sees them, and of the few who do, almost no one cares about their contents. Where there are representative institutions, the case is rather better, but not much. Protests from the popular branch of the Legislature will find their way periodically to Downing Street, but will give no one much trouble after they get there. A Member of Parliament may occasionally put a question to the Minister, or move for a return; but no one else hears the answer, and perhaps he does not himself read the return when he has it. People, Parliamentmen, and Ministers, all are too busy to be listening

to trifles. And what can the grievances of the people of a little colony be but trifles—that is to say, to any judgment save their own ?

In a Colony, on the other hand, which has once passed its day of small things, and become the home of a community of some importance, enjoying the right, as the people of such a colony must, of being represented in a legislative body that can claim the character and privileges of a Provincial House of Commons, matters must soon go further. Whatever advantages of position its office-holder party may at first have, (and for some time they will continue to be great,) the popular branch of the Legislature must sooner or later reflect the popular feeling. In apportioning the representation they may favour their seat of government and its sister towns and villages where their strength lies, and everywhere their party may be the earlier and the better organized ; but the Colony is country, not town, and the bulk of its people not poor tenants, but a thriving landowner yeomanry—the last class of people in the world to let themselves be long led by the nose by a set of townspeople and make-believe squires, of whom they know little, and whose notions and manners they must like less. The counties must send most Members, and the farmer population poll most votes. As to his Excellency, we have seen how he must stand. His Executive Council, the legacy of his predecessors, is of the true official colour ; not an organized Cabinet of Heads of Departments, charged or chargeable with the conduct of the public busi-

ness, for that might involve a responsibility not at all to official taste; but simply a few gentlemen styled 'Honourables', some of them rejoicing in the enjoyment of other and more lucrative offices, others merely Councillors, but all of the fraternity; a body with hardly any functions assigned to it—consulted on state matters as much or as little as the Governor may please, not bound to defend his acts, its members sworn to secrecy, and their oath interpreted by themselves so as practically to shield them from accountability even for what they may have counselled. Sometimes this body has itself been the Upper House of the Provincial Parliament; but, generally, there is a Legislative Council besides, made up of much the same material, but its Members sitting in Parliament as Provincial Peers for life, and, like those of the other House, with open doors. What chance the Lower House, under such circumstances, has of being treated by Councils or Governor as a House of Commons, may be readily guessed. If in their interest, it is welcome to vote supplies and pass Bills which they will suffer to become law; if only not hostile, it may vote as it likes, with an assurance that no vote not pleasing to them will ever come to much if hostile, it may count on seeing them do pretty nearly all they choose in spite of it, and on getting its own way in nothing. It is a Commons' House of the Tudors' or first Stuart's day, not of these better times of the House of Brunswick.

But the times are not those of the Tudors or first

Stuart. The Members of the Lower House know too well what a Member of Parliament is at home, for this abatement of their own consequence to suit them. They know, too, that the provincial Honourables who put the slight upon them are not Lords and Privy Councillors after all, and pay them back their full measure of contempt—perhaps with interest.

The quarrel begins, like the earlier quarrels of our own House of Commons, about money; not that Colonial Parliaments are apt to grudge supplies, or object to a well-stocked Treasury, as our old Parliaments used to do. They are seldom or never niggardly in this respect; but then every Member wants from the full purse as good a share as he can get of grants for the advantage of his own constituents. Roads, bridges, canals, river-improvements, harbours, public buildings, schools, agricultural societies, charitable institutions, and the like, are the objects for which they expect that he will take care there shall be funds forthcoming. They have economical notions, too, as to the rate of pay that ought to content the public servants. In the midst of their rude plenty they see so little money, that a small money-income seems to them a fortune. On every account, therefore, their representatives must fight down salaries, and bring all manner of revenues and fees to swell the surplus available for the more popular branch of the public expenditure. The grandees, on the other hand, share neither feeling. They have no objection to a surplus, because

it is a convenient thing to have Members' mouths well stopped with local grants. But they have no notion of making such grants the first object, and the welfare of their own pockets the second. Their style of living and notions of emolument date from the happy time when they had no House to quarrel with. They cling to salaries and office-fees as personal property, and to crown revenues and funds raised under certain special Acts, as properties of the Crown, with which the House has nothing to do, but which the Crown, through its Representative, is to spend as it pleases, or rather (for that is what the thing must be in practice) as they please. And their pleasure is to help their friends and themselves from the fund as largely as they can. Every question about the proceeds of an obnoxious fee, every allusion to the extravagance of a salary, every call for clearer statements of accounts, or offer to provide by vote for services paid out of Crown funds, or hint at the principle that all the public funds ought to form one revenue, is a fresh blow for them to chafe at, and such blows must begin soon and last long—must last, in fact, till they shall have gained their end.

Though the first, this money-struggle is not the only one. The people, and therefore their representatives, want to have their business with Government promptly and carefully attended to ; and they want to be treated with personal civility and consideration into the bargain. But it by no means suits our little great men to work harder than they

can help, or to take the trouble to be more civil than they need be to a set of annoying country people whom they never see but to be bored with their importunities. In a new country, where the rapid spread of the population calls for perpetual changes of Executive and Judicial machinery to meet the wants of new districts; where lists of Magistrates, Militia-Officers, and other local functionaries of all sorts, must be constantly under revision; where every kind of public improvement, ever so little out of the common way, demands the intervention of Government in aid of local or private enterprise; where without its help people cannot keep up schools or charities, and where, therefore, it must give money for all these objects, and ought, besides, to take some oversight of the spending of such money; where, above all, every man is a land-owner or land-buyer, and Government the great land-seller and authority for title-deeds; people of all classes are brought into constant personal relations with its chief officers, to an extent that can hardly be imagined by those who have always lived in an old country, where the functions of government are so much less extensive. A very slight indulgence by an 'Honourable' in the habit of indolent *hauteur* into which, from his position, he is so apt to fall, is a source of such annoyance and wrong to thousands as they must deeply and abidingly resent. And this popular resentment must find voice on the floor of the people's house.

Again, the great body of the people and their

representatives demand the selection of popular men, men of their own class and feelings, to be their Magistrates, petty Judges, Officers of Militia, local Land Agents, Post Masters, Collectors of Customs, Clerks of the Peace, Sheriffs, and so forth. With the oligarchy, the one recommendation required for all these employments is subserviency to itself; and its protégés are therefore precisely the class of men who cannot possibly discharge their duties to the public satisfaction. The discontent caused by the personal shortcomings of the Chiefs, is as nothing to the heart-burnings that the arrogance, indiscretion, and sometimes iniquitous misconduct of all this army of their hangers-on, give rise to. Appeal, people soon learn to think almost a waste of time—for they want confidence alike in all to whom they can appeal—the higher Officers of the Executive, the Judges of the higher Courts, and even the Juries that may be brought together by their Sheriff-enemies.

In fact, from first to last, unpopularity is the characteristic of the entire system. The office-holder party, in all its political doctrines no less than in its official habits, is absolutely alien to the prevailing opinions and feelings of the country. The opposition is everywhere a contradiction.

Left to itself, the contradiction would soon be at an end, and the prevailing popular feeling (as at home) make itself that of the Administration. But the official party in a colony is entrenched in a position of peculiar strength, and commands, besides,

the aid of a powerful ally. All they do is done in another name than their own. It is always his Excellency that commands. They, good people, are merely his Excellency's faithful servants, loyal subjects of her Majesty, whose zeal for the connexion with the parent state and her Majesty's crown and dignity makes them heartily welcome her Representative, be he who he may, and serve him do what he may, though by so doing they earn the hostility of the separatist faction that vilifies them. An exaggeration of monarchical forms marks their style of official correspondence. Decisions of all sorts, even to the details of the land-granting department, are put in writing as the Governor's own ; letters are answered and acknowledged as if always laid before the Governor, and the answer or acknowledgment in each case specially commanded by his Excellency. There is an almost total absence of departmental organization and responsibility. The Secretary's Office is the central chaos, where all business meets, and whence all orders issue. And very generally, as if the better to keep up the pretence of the Governor's personal agency as the originator of its decrees, the Officer in charge of it is his Private Secretary, a gentleman who came out and is to go away with him. Other public officers get the Governor's authority at every step, of course in the precise terms they themselves suggest, either through this Secretary's, or else in the shape of orders in Council ; for which, however, no individual Councillor can be held specially responsible, as the orders are still the

Governor's, and the advising or consenting Councillors are personally shielded by their oath of secrecy.

A consequence of this system is, that almost every complaint against a public Officer becomes in some sort a complaint against a Governor. The Official, in answer, points to his authority for the act complained against—perhaps the Governor's own order —perhaps that of one or more than one of his predecessors. In either case, the Governor is bound to acquit the man, and almost bound to sustain the act. The complaint is carried in appeal to the Colonial Office. But it has now become doubly a charge against the Representative of Majesty ; and as such, the Colonial Office, the patron-general of all the Viceroys, is doubly bound to dismiss it, if excuse of any sort can be furnished or found for its so doing. This done, the poor complainant, if obstinate enough still to think he has been ill used, may persist in it that the Mother-Country, the Crown itself, has denied him justice—the very thing it best suits the plans of those who really wronged him, that he should be driven to think and say.

Sometimes, however, a case is so bad or so strongly pressed, (supposing, for instance, the House of Assembly the complainant,) that the Colonial Office cannot summarily dismiss it, and the Governor has to maintain his ground in a series of despatches, with a chance of finding himself at last not victorious. His decision is half set aside ; and if the matters in dispute are more than usually grave, it may be necessary to send out the redress instructions by a

new hand, and the old Governor is accordingly recalled—as courteously as possible, perhaps to be sent to repeat his blunders somewhere else, but, at any rate, sorely to his own mortification, and, for the moment, somewhat to that of his provincial prompters. But the new man is as the old; it is hard, but they can contrive some way of practically nullifying the concessions he comes out to make; and he, with the fear of humiliation and removal now before his eyes, cannot but take a lesson from their mode of operation, and make their position and his own stronger by refining a little upon his predecessor's practice. Before authorising them, he takes the precaution of getting authority himself from Downing Street; so that, in case of further appeal, he may have all the advantage there that they enjoy when the first appeal is made to him. The Office is as easily led into the habit of precise instructions to himself, as he is into the self-same habit with them; for the same vanity of fancied power is flattered equally in either case. Nor does he, in point of fact, find himself more fettered by it in the one case than they in the other; for the Office is, if possible, more dependent on him for information, than he is on his own prompters. He at least is on the ground, though a stranger. The Office is thousands of miles off, and the people in it, through whose hands his despatches pass—never were on the ground, and never will be. The officers of the Provincial Government tell him what they please, and he gives them back their wishes as instructions from himself; but

wherever he sees a glimmering of risk, he first writes home the statements that have satisfied himself, and the Office is then kind enough to direct him to act upon them. There is delay, to be sure, but generally not much, if the matter so interests the powers behind the Vice-regal throne as to make them urgent. Where, as will often happen, delay is in fact their object, the machine is perfect to their hand. Changes are demanded that they do not relish, and dare not or cannot bring the Governor to venture on peremptorily refusing. He must wait orders, then. When it suits him he will write for them, and in the terms that suit him. The Colonial Secretary has not information enough to enable him to decide ; as how should he have, when the despatch before him does not give it ? Further particulars are called for—to get them more time can be taken, and when they are got, they can easily be made the pretext for fresh doubts and postponements, till at last, it does not matter what the decision is. Sometimes, indeed, when disputes have run to such a length that the Colonial Office begins to grow suspicious, and in its turn shrinks from responsibility, it interposes delays of its own, that alarm and harass its now visibly powerless Governor, as much as they irritate his complaining Third Estate. When things have come to this pass, the Government of the unlucky Province has become what Lord Durham, after personal experience of it, happily enough termed a ' Constituted Anarchy ' ; irresolution, discontent, disorder, alone are everywhere. But at every stage, be it

borne in mind, of the weary progress of the system to this result, it has been first on Royalty through its Governors, and then on the Parent State through its Colonial Office, that the petty Provincial clique, for whom alone the system has existed, have contrived to throw the grand burden of the disgrace and odium of their own paltry policy.

Not that I mean to say that in these provincial quarrels either party is wholly right or wholly wrong. Of those who side with the faction of the Officials, many (of the more independent of the townspeople, for example, and in most cases the majority of the new-comers,) do so with the best motives, and in the full belief that its opponents are all it styles them. In a party so formed, there must be many honest men, attached to it from opinion, and not from interest; and even as regards those whose interests are bound up in the course they take, it is hard to say precisely where the influence of opinion ceases and that of interest begins. The party, as a whole, is by no means without principles of action higher than the mere instinct of the place-man. And for a time at least, the nature of its materials is likely to give it rather the superiority than otherwise, in respect of information and that kind of intelligence which depends more on education than on mere native shrewdness and capacity. The popular party, again, on the other hand, cannot but number in its ranks some mere office-seekers, whom disappointment alone has driven to them, and who have no higher object than to force themselves into place, and

punish the dispensers of the loaves and fishes for having disappointed them; and the general unaptness of countrypeople for active leadership in politics, will put such men more forward as leaders of the party, than its interests, or indeed its feelings, otherwise would let them be. It would be strange, too, if the party itself made no mistakes—if its prejudices and passions did not sometimes lead it wrong, and give its more politic antagonists advantages of which they are too happy to avail themselves.

In many matters, for example, the public opinion of a Colony is apt to settle down upon a scale of remuneration for its public Officers, as decidedly too low, as their own price for themselves is too high. Country-farmers are bad judges at all times of a town-gentleman's expenses; and when, above all, they set themselves to fix how much, of what they regard as their own money, and want for uses of their own, they should allow to a set of gentlemen, between whom and themselves there is anything but a friendly feeling, their judgment is not likely to be better than usual. The proclaimed anxiety, too, of their representatives to get all the surplus they can save from the ordinary expenses of government, for grants in which their constituents have an interest, and their hostility to the men at whose expense they would economise, are calculated to cast a suspicion upon the demands they make; even when, as often is the case, their real moderation and fairness of purpose are far from justifying it.

Again, this economy of theirs where the Crown and

its servants are in question, admits of being placed in most disadvantageous contrast with the profusion that marks their money-votes for their favourite uses; and, still more, with certain practices on their part inevitably growing out of it, which are very near of kin to the jobbing tastes they so loudly condemn in their opponents. To get the most he can for his own section, every Member is in a manner forced to try his hand at what is technically styled 'log-rolling'. As there is no one in the House who is accredited to speak and act for Government, the rule of the Imperial Parliament, which requires that the Crown should authorise every proposal for a money-vote before the House can entertain it, is altogether impracticable, and every Member may urge his own pet claims in the House as he best can, when and in whatever way he chooses. A, B, and C, therefore, lay their heads together, and fix on some supposed grant or grants for which they are disposed to make common cause. D, E, F, and G have done the same for some other project. Each party gladly buys the other's help by promising its own in payment; and any one who annoys either by opposition may look out for their jointly returning him the compliment whenever his own job, whatever it may be, that he must get done on pain of ruin with his friends who sent him to the House, comes up for discussion. No very sufficient guaranty for fairness, judgment, or economy, in the outlay of the large sums of the public money so distributed! Nor is this all, or even the worst. The spending of this

public money must be entrusted to some one. But the House has learned distrust of the Governor and those about him, and dare not swell the corruption fund already at their disposal by letting them have the choosing of the parties. It names its own commissioners (sometimes Members of the House, sometimes only their friends) in the Appropriation Bills; and the public grants now assume the appearance of a corruption fund of its own. As to any sufficient oversight and control of such Commissioners, it is out of the question; and there must therefore, in the nature of things, be much waste, and some downright peculation; of all which the House and the popular party must bear the odium. Indeed, the system so invites abuse, from the unchecked spending power it gives to the body which should be the check on all expenditure, that suspicion must attach to it at every turn. The most honest, no less than the most corrupt of its agents, must be liable to find himself suspected.

Another result of the state of things I have been describing, follows from the irritation and sense of irresponsibility which it tends to produce in the minds of the popular leaders. Here, where unpopularity once clearly ascertained is enough to drive a Government out of office, we can hardly realise the effect on the public mind of the system of keeping men in place, in spite of unpopularity, and perhaps even of proveable misconduct. Disliked, despised, defeated on the hustings, powerless in the House, they still enjoy their emoluments and honours.

Votes of want of confidence are a farce. The opposition, able to thwart them in everything else, cannot make them yield. They can thwart its purposes quite as much as it can theirs. Court of impeachment for it to resort to, there is none; for the Upper House and the Judges are theirs. It is driven into a mode of warfare suited only to the peculiar position it is placed in—a warfare of personal vengeance, of charges against individual public officers, the embodiment of its hostile feelings, preferred before the House, investigated there by itself, and forced upon the Governor and the Colonial Office as verdicts on which they must pronounce sentence of dismissal on the asserted culprits. The accused complain that they have had no hearing; and the prosecutors cannot well say they have. But, in truth, the proceeding has no real judicial character about it; it is a faulty course, but one into which the false position of those who take it has forced them. On all sorts of subjects the same cause compels them into similar extravagances. Hopeless of office, and fearless therefore of its responsibilities, they may deal in complaints and claims of every kind, just as it suits them. Whatever happens to strike a popular fancy, they can engage to fight for. Every notion that involves a shadow of unpopularity, they can renounce. If after long enough training in this school they be found to have learned something of its lessons, who can wonder at it, or blame for it aught but the school itself?

More mischiefs follow, from the use that is made

of the Governor's name and the Colonial Office to authorize and sanction whatever is unpopular. Without abating an iota of the odium that attaches to the resident Officials, it gradually brings people to regard all Governors and Colonial Secretaries as their willing accomplices. It becomes a common thing to attack the Head of the Provincial Executive in much the same style of unceremonious personality as is used to those who surround him. Members of the House freely arraign his acts, and charge them, not on presumed advisers, but upon himself. His recall is demanded, instead of merely their dismissal. His successor, whatever his instructions or first intentions, the instant of his arrival, finds himself and the authority he represents distrusted, and begins to distrust in turn. Before long he too is attacked, and becomes hostile. The Colonial Office finds its Governors one after another all served alike, and justifies itself by at last firmly believing that concessions merely make things worse, that the popular clamour cannot be satisfied, and must simply be put down, or else the Colony abandoned. Public opinion says much the same; and on both sides most people begin to think, and a great many openly to say, that early separation is inevitable. And all for matters of dispute that involve no Imperial interest whatever—for the sake of quarrels between two classes, the large class and the small, of the Colonists themselves!

It is obvious to remark how greatly such errors, wherever fallen into, must strengthen the position

of the official party, as well within the Colony as in its influence with the Metropolitan Authorities. Yet, be their consequences what they may, I ask again, whose fault they are? What are they but natural results of a system from first to last absolutely anti-British? Who but the authors and abettors of the system are to blame for them?

Colonists and persons conversant with Colonial affairs, cannot fail to recognize the outline I have been giving of their natural history, imperfect as it is. In particular cases there are of course peculiar features, to which I have purposely avoided allusion, that I might the more clearly establish the essential character, and thereby the general first cause, of the whole mischief. In a conquered Colony, for example, where the majority of the people are of another origin, and speak another language from our own, the official party, so soon as it begins to feel its weakness, sets itself up as the patron of the British race; encourages dissension (no hard task) between it and the race of the majority; finds it for a time extremely pleasant to keep down opposition by such means; but at last discovers that the feud it has fostered is not so easy to manage as to excite—that its allies have other objects and passions than its own, and, in fact, as heartily despise as its enemies detest it—that it is a powerless third party in a 'war of races', which, end how it will, cannot fail to prove fatal to itself. Such has been the course of events in Lower Canada; but the 'war of race' ending of the Lower Canadian troubles, much as it

differed in some of its appearances from the common Bureaucrat quarrel, was yet merely its result. But for the earlier stage, the later had never been. The jealousies of the two races would have signified very little, if an execrable system of misgovernment had not aggravated them, as for a time it did, into hostility. Again, where, as in Upper Canada, the newly-arrived colonist-class is peculiarly strong in numbers, and consists, in great part, of a gentry of half-pay officers—the men of all others best fitted to lead it into habits of subserviency to the powers that are, and where also, the Orange Institution has naturalized itself and become their ally, an official party so favoured may alternate with the popular party in the control of an Assembly, to which Villages as well as Counties send Members, and which is returned under old-fashioned election-laws, well qualified to make intimidation easy, and a fair polling of the full strength of any County hard. Yet is it not therefore a whit the less truly the unpopular party, though a distant or careless observer may fail to become aware of the fact. The very circumstances that mislead him are really making the popular discontents and animosities only so much the deeper and more dangerous. Or, again, as in Nova Scotia and New Brunswick, some timely modifications of the system may stay its otherwise downward tendency, and things may begin to mend before all the later stages of misrule shall have been passed through. But the tendencies are all there, notwithstanding ; and unless so checked, would infallibly have run their full course.

In those of our Colonies which till lately have been slave-colonies, a state of things has hitherto existed in some respects considerably different. Where slavery exists, there can be no yeomanry class, which elsewhere forms the mass of the Anti-Bureaucratic party. The entire free population is an Aristocratic party, between which and the Officials there are few causes of dispute, and many sympathies. They are besides held together in presence of the slave population within the Colony; and the relations in which they both stand to it are threatened by a common enemy, the anti-slavery movement in the Mother-Country. Their most obvious interests, no less than their feelings, must lead them to maintain a good understanding with each other.

It was from this quarter, in fact, that their chief causes of discontent arose. Public opinion at home first menaced and then resolved on overthrowing the institution of slavery. There public opinion, the slaves having nothing to do with it, was quite the other way. Officials, planters, agents, merchants, white men of all ranks and classes, save and except a few despised missionaries, with here and there a stray adherent of the free colour, as heartily despised as themselves, all shared the same feeling. The close union and collective strength of the West India interest at home, enabled the Colonies to make their struggle a pretty obstinate one; but the great measure once fairly determined on in spite of them, the smaller and Crown Colonies had no alternative but submission on the best terms they could beg.

Wherever the legislatures had any considerable power of independent action, they could interpose difficulties. And Jamaica, as the most important of the group, could venture on being absolutely refractory. We had made a certain class of the inhabitants of certain colonies to all intents 'the people' of those colonies; and had given them in that character certain chartered rights, under which they claimed to be allowed to conduct their own affairs their own way. So long as we let them have their own way, they gave us no trouble with any complaints on that score. But after a time we insisted on raising another class to their level; they protested loudly against the interference, as an invasion of their rights; the Colonies, as we had constituted them, were become discontented.

The great social revolution is, however, now effected. A free moral population, in many respects unlike that of our other colonies, but, if possible, still more alien than theirs in feeling to the heretofore ruling party, and, at the same time, far outnumbering it, has been called into existence. For some time to come, it is likely to have much less weight than its numbers, but for its old habits of dependence, would give it. But its influence must be continually increasing, as those habits shall by degrees give place to the habits of free-men. Other changes besides have taken place. The do-nothing policy of the old system is passed away. Planter-rule at an end, the government of each colony must henceforth busy itself with undertakings that, under planter-rule,

would never have been thought of as forming any part of its duties. Every detail of rural administration must be looked after. Wherever there is Crown land unimproved, active steps must be taken to bring it into cultivation. Improvements of every description must be encouraged; and a sufficient supply of immigrants, of a race capable of out-door labour, somehow or other secured; or the breaking up of the industrial arrangements of the slave system, and the impending changes in the sugar-duties, must between them absolutely destroy the productive resources of the colonies. They must consequently economise their revenues, that the money may be forthcoming for these uses of necessity. The white population has a new interest in the merging of all fees and Crown revenues in the one common fund of the colony, the reduction of salaries, the enforcement on the public servants of activity and zeal in the performance of their functions. Failing readily to take the lead of public opinion in respect of these its new demands upon them, the Official class, supposing them to be sustained in office after the old fashion, will fast make itself just as odious, to white and black alike, as the Bureaucracy of the Colonies where slavery has been unknown has ever been.

That something must be done to correct this omnipresent vice of the official system in our Colonies, if we mean to keep them or have them worth the keeping, must, I think, be clear to every one. What that something must be, is no less clear, I believe,

to every one at all correctly informed, who has given any measure of consideration to the subject. Most people, unfortunately, know so little and think so little about it, that several quack remedies, absolutely unsuited to the case, have found considerable favour. I propose, therefore, first to dispose of these, before showing the applicability of the very simple remedy which, fairly tried, cannot prove other than effectual.

It is of no use, then, to fall back upon the jealous policy of trying to keep Colonies small, and making them do without popular constitutions. Petty Colonies, it is true, always supposing them too remote from each other to be able to band together for common objects, cannot force us by their clamour to give them that potential voice in their internal government which all Colonies, whether they can get it or not, must long for. And so long as they can be kept without representative institutions, so long a set of petted officials may annoy and misgovern them, without their being able to offer any effectual resistance, or our being troubled with any loud expression of their discontent. But what then? You have shut up your patient in the dark, well gagged and strait-waistcoated; but because you no longer hear and see that he is suffering, is he therefore cured? The misgovernment of your agents becomes all the worse, and the discontent it causes all the more inveterate, for the precautions you have taken that neither shall force itself to notice, and be remedied in time. And, besides, of what earthly

value could Colonies be, so insignificant, so scattered, and so few, as to be retainable under such a rule?

Not less unavailing for every useful purpose is the newer half-and-half recipe of Colonial-Office jealousy, —the plan of giving Colonies a semi-popular Constitution, with no House of Commons in it, but a mongrel legislative body, neither Commons nor Lords —part chosen by the People, and part by the Executive. Suppose the Executive chooses to the satisfaction of the People; we have much such a House as they would have chosen themselves, and may rely on its taking much the same course as a *bona fide* House of Assembly would have taken. To what end, then, the refusal to let them choose the whole body at once? We have simply shown distrust, and thrown away an integral part of the machinery of British legislation—the institution of an Upper House of revision—at the best, for nothing. Or suppose, what is much more probable, that the Executive names men whom the People never would have named; and what have we then, but the old quarrel between those they do send, and the local Government—with this difference, that the people are likely to begin it all the sooner, and to carry it on all the more pertinaciously, for the distrust with which they have been treated at the outset, and that the local Government, beginning the struggle with greater advantages of position, and therefore under more temptation to an abuse of its powers, is likely to give them all the graver occasion of complaint.

Great importance, again, has been attached by

Provincial Officials generally, and, in consequence, by the Colonial Office, to the securing of 'an adequate Civil List', in exchange for the Crown Revenues, so as to place the Governor, the Judges, and as many as possible of the Executive Officers of the Government, beyond the risks of the yearly money-vote of the Assembly. The revenue and salary struggle has constantly taken the form of a struggle for or against some such *project*, demanded as the condition on which alone the required surrender of the Crown Revenues could be assented to by the Colonial Office. And, provided always that the authoritative establishing of such a Civil List is the act of the Provincial Legislature, and that the bargain driven with it is not too hard a one, the object is a desirable one to effect. The Governor and Judges should not be dependent on yearly votes, which may vary in amount, if it can possibly be helped; and it may be well that some of the most indispensable Officers of the Executive should be placed, in respect of the amount of their emoluments while in office, on a like footing of security. A Colonial Assembly is certain not to assent to this, until first tolerably well assured of its own powers and the disposition of the Government it is dealing with; and this point gained, a moderate Civil List is every way likely to work well. But after all, at the best it is little more than a symptom of improvement in the political condition of a Province, and can never be its producing cause. And as to the favourite official notion of a Civil List to cover all the more pressing items of

expenditure, and enable the Provincial Executive to get on in spite of a stopping of the supplies, the idea is utterly preposterous. No House of Assembly ever can, or indeed ever should, assent to so monstrous a proposal; for it would just be a throwing away of one of its chief means of exerting a popular influence on the Executive, a mere tempting of the official power to courses which would bring it into collision with the people. And the further and graver error of making such a Civil List the work of the Imperial Parliament; and instead of allaying contentions, it becomes almost inevitably their cause. It is the grand grievance, against which the House must protest without ceasing, till such time as it shall have been remedied; and, what is worst of all, it is a grievance of the Mother-Country's own proclaimed creation, one which it alone can remove, and that by an act of the same highest authority that imposed it. This great mistake was made at the instance of the Colonial Office, on the occasion of the Union of the Canadas. Thanks to the declared concession in other respects, of the great principles of popular government, it has happily as yet done no apparent mischief. But few people out of Canada are probably aware how completely this result is owing to the popular course the Provincial Government has been wise enough to take in this respect. No Canadian Official has ventured, in his place on the Treasury Benches, to defend the Civil List of the Union Act, or to propose to the House of Assembly to recognise the fact of its existence. Lord Sydenham himself set

the example of allowing his Ministers to speak of it as a matter which it was merely not expedient to draw into immediate discussion, and in the meantime *to ask of the House a vote for the year, of the amount it granted, on account of the services which it professed to place beyond the dangers of such yearly vote.* The same course has been taken ever since. The House has voted the sum yearly, and always under express protest against all recognition of other authority for the grant besides its own. At its last session it went further, and addressed the Crown, by a vote all but unanimous, for the repeal of the obnoxious clauses of the Union Act, engaging itself in that case to vote an adequate Civil List, though not to so large an amount. As the case stands, paradoxical though it may sound to say so, the Provincial Government has *practically* no Civil List at all to rely upon. Sir Charles Metcalfe, like a prudent man, is doing his utmost to cut down the actual expenditure for the services the Union Act professes to provide for, so as to bring it within an amount likely to meet the approval of the House hereafter. The House voted the supplies, after the resignation of his late Ministers, Civil List amount and all, as in former years. Had it refused them, it may well be doubted whether he could have found any public men or man in all Canada bold enough to be party to the making a single payment out of the Provincial Chest under the authority of the Union Act. Most assuredly the men who have stood by him, and on whose support he has to rely for the

success of his administration, would have been slow to run the risk ; and no man who should ever do so, unless under most peculiar circumstances, would be likely to show himself to much effect on the hustings, or in the House, after ; for hearty opposition to the principle of a Civil List, imposed by the Imperial Parliament, is a pledge that public opinion forces on all its servants, without exception or reserve.

It is impossible upon any sound principle of political reasoning to deny, that on this point the Canadians are right, and those who imposed or would now maintain this constitutional anomaly, utterly wrong. It galls without checking ; and if it checked, the kind of check it would impose would be one that on general principles ought not to be imposed—one that could not be imposed without tending to serious mischief by disturbing the true balance of the system, by taking from the House a means of control which it ought to have, by giving the Officials a substantive power they ought not to have.

Still, the fact is, that by both parties this Civil-List controversy is apt to be made more of, in the Colonies, than its real importance merits. It is not the mere right to refuse supplies that gives the House of Commons its actual power ; for an Executive, with an army at command, and an unresisting people, would make short work of *taking* what supplies it might want. It is to the virtual command the House has of the army, through the mutiny Bill, and still more to the tried resisting temper of its

constituents, that it owes its ascendancy, and that ascendancy enables it wholly to dispense in practice with its theoretical power of stopping the supplies. Precisely so with a Colony. If weak, and unsustained by public opinion in the Mother-Country, it has not and cannot have the real power to control its Executive, through the supplies, or in any other way. If strong, either in its own resources or in the support of the public voice at home, it has this power; and no mere Civil List can prevent its being exercised. It is our true policy to give our Colonies both these sources of strength, to an extent that may enable them to secure their own good government. Deny them this necessary power, and misgovernment follows from their want of it, and discontent and at last disaffection from their misgovernment.

Never so little conducive, however, to the desired end would it be, to suffer to be acted out the policy of encroachment on the Prerogative, into which the Colonial Assembly, in a state of permanent collision with the Executive, is naturally led. An Assembly so circumstanced may not be able to help acting on the system—may feel it necessary itself to name its friends to do the work it wishes done, as otherwise it would merely be leaving the work for its enemies to mar. But it is one thing to have the Executive, as it ought to be, in harmony with the representative body, and quite another thing for the representative body to set up as a counterpoise and rival to an Executive with which it is in collision—a quasi-Executive of its own creation—a class of public

functionaries directly amenable to itself—Commissioners specially named in its appropriation bills—Members and standing Committees of the House charged by its vote with duties properly Executive. All this is merely so much machinery of collision—part and parcel of the 'constituted anarchy' which it is the great object to get rid of.

A plan which has found favour with some Colonists is that of making the Legislative Council, or Upper House of the Provincial Parliament, an elective body. At a certain stage of the controversy between the Assembly and the Officials, when the latter are beginning to apprehend the consequences of too much direct Executive interference, and the Legislative Council is composed not so much of themselves as of their friends, and has ceased therefore to have altogether the look of an official body, they are very apt to make great use of its intervention to destroy the measures of the Assembly. People's attention is drawn more to the instrument than to the cause of the annoyance; and the doctrine finds supporters, that which is wanted is such a reform of the Legislative Council as can only be attained by having it elected by the people. Those who thus argue, however, are quite mistaken. The principle once admitted, that the temper of the Executive must, as at home, be kept in harmony with that of the elected House, there is nothing to fear from the non-elected. Here, the House of Commons rules, though checked by a House of Lords so infinitely more powerful and independent than the Legislative

Council they are thus afraid of. Society is here beyond comparison more aristocratic in its constitution and tendencies than with them. Their Peers can never form a class like ours, in respect either of rank or wealth; and the influence the Executive can exert over them must be proportionally greater. And as none of them sit by hereditary right, the Executive has besides the naming of every individual —a power our executive has never had, and the want of which has still not prevented the House of Commons from making itself, by its hold on the Executive, the paramount Estate of the Realm.

But the objection to this proposal is not merely that it is the wrong one, that the change it seeks may be done without. It not only will do no good, but must do harm. It is essentially a republican expedient, and alien to the British system of government; though some doubtless have advocated it who would disclaim republican intentions. If elected by the same constituencies, at the same times, and in the same way, the two Houses will be (accident aside) mere echoes of each other, and might as well sit and debate in one room as in two. If elected by different processes, the Members of the Upper House, for example, representing larger constituencies, or chosen by a class of voters having a higher franchise, or by electoral colleges or municipal bodies, (and these are the projects which, to avoid the obvious absurdity of two merely echoing Houses, have been most in vogue,) disagreement would be probable. And of two elected Houses, supposing them to disagree,

neither can have the means of overcoming the resistance of the other. The Executive may side with either, as it pleases, or may even appeal from both to the people. And when it has so appealed, the Houses may still differ, and the Executive be free as before to treat either or both as in the wrong.

A less sweeping change has been advocated by some who do not favour the elective Legislative Council project. It has been said that it would be better to have the Councillors named for a term of years, than for life. Such an alteration might do some harm, and could at any rate do very little good. Legislative Councils, as they are, are more to be complained of for undue subserviency to the Executive, than for undue independence. Appoint to them for a term of years, and every Councillor is directly the obedient, humble servant of the Executive. If he offends, he will be disgraced by not having his appointment renewed. With the number of Councillors, as it ought to be, unlimited, the influence of the House through the Executive over the whole body will always be quite sufficient. To bring it to bear directly upon every individual member, would be to make the body merely contemptible.

No party in any Colony, that I am aware of, has ever thought much good could be done by a more rigorous and minute superintendence of the details of government in the various Colonies, by the Colonial Office; but the Office has repeatedly tried its hand at the experiment, though with no encouraging

measure of success. Its orders go to the Colonial Officials, and by them are first interpreted, and then acted on according to such interpretation, or neglected, as they think best. Nine times out of ten, the Office never hears how they have seen fit to understand its instructions, what they have done under them, or whether they have done any thing. They make their own reports (for on such matters the despatches are theirs in reality, not the Governor's who puts his name to them) when and how they please. If the suspicions of the Office make it impossible for them to get quietly rid of the orders by just not minding them and saying nothing about it, it is easy to get up a correspondence about their meaning, and give more information and raise difficulties, till they are suitably amended or fairly given up. How should it be otherwise ? The Colonial Office has no means of keeping them in check. They know their ground of old, and are perfectly familiar with the subjects they have to correspond about. The Governors sent out by the Office as its agents must write as they dictate, or cannot know how to write at all. As for the Colonial Minister, the supposed author of its decrees, he has his seat in the Cabinet and in Parliament to look after. It is ten to one he never visited a Colony in his life, and knows no more about Colonial affairs when he kisses hands as Colonial Minister than every public man within the four seas must know ; and that, unluckily, is little enough in all conscience. Busy always with the home politics he understands so much better and must care so much more for, how

is he in the course of a short incumbency to master a thousandth part of the detail it is necessary he should be familiar with, to comprehend the mass of manuscript that he has to sign, and the yet more frightful mass of manuscript which it purports to answer ? His Parliamentary Under-Secretary cannot help him overmuch. Be his industry and ability what they may, his chief reliance must be on the other Under-Secretary, whose position in the Department, unlike his own, has no reference to the changes of home politics. This functionary can seldom fail to be a man of first-rate capacity for business, and is likely to have other qualifications besides ; and the same thing may be said, probably, of a great many of his official subordinates. But the information they can command on Colonial subjects must be mere Office information. Hardly any of them can know any thing about the Colonies beyond what the despatches tell them ; and the few who do must soon find themselves so spell-bound by the red-tape *genius loci*, so tied down to the task of making themselves walking indexes of the state-papers they live by, as to be able to put such further knowledge to little practical use. But the Secretary may look beyond the Office. To be sure he may ; and may find, ever ready to give him as much counsel as he may wish, plenty of ex-Governors, and military men returned from other Colonial commands, a smaller number of Colonial officials who have retired, or been removed, or are in England on leave of absence, and, if need be, the City representatives of the merchant-

friends of the Colonial Officials who are at their posts. They are quite right, the Colonists, to put no great faith in the Office as a machine for the prevention or reform of abuses, by the mere means of its powers of meddlement and correction in detail.

Yet, inadequate as it may be for such a purpose, the maintenance of its general superintendence over Colonial affairs is an indispensable necessity. Governors must be named by the Crown, and instructed by the Crown; or else the republican elective system must be resorted to, and that on every account is an impossibility so long as the Colonies shall retain their connexion with the Crown of Great Britain. The idea has sometimes been entertained, that it would be well to adopt the policy of forming our several groups of Colonies into so many Federations, and devolving on each Federal Government the general oversight of its subordinate Provincial administrations, so as to relieve the Colonial Office of the greater part, at least, of its duties in this respect. To this plan, however, supposing always the character of the union in question to be such as the use of the term 'Federal Union' properly implies, there are serious objections.

By a Federal Union I understand a machinery of government modelled on that of the United States; so far, that is to say, as to give to each of the confederated Provinces an Executive, Legislature and Judiciary of its own, and to the Confederation a General Executive, Legislature and Judiciary, with certain strictly limited powers, besides. It may be

taken for granted, that even for the several Provinces of such a Confederation the republican balance-machinery of an elected Governor, Council and House, is not to be thought of; and the Federal Government can scarcely be allowed to name the Provincial Governors, for that would be to make it their sovereign authority, and the Union any thing but a Federal one. If, then, the Crown is to name the subordinate as well as the chief Governors, the duties of its Colonial Minister are not a whit lessened, but on the contrary are made more arduous and complex, by the arrangement; for the power that appoints must command, and having to command on this system Governors of different ranks in close official connexion with each other, must assign exact limits to their respective powers, and decide between them in the thousand cases of doubt or difference that must be perpetually arising between them. And how is it to decide? The Federal Legislature pulls one way; this Province and that pull in other ways; the Governor-General is perhaps in difficulty with his House of Commons, and half or more than half the Lieutenant-Governors (though acting all together and under the same instructions) are getting on admirably with theirs; or he may stand right with his Assembly, and the majority of them be at feud with theirs. Can he and they, representatives of one and the same authority, be suffered to counteract each other's policy, for the sake of the local popularity each may thereby gain for himself?—The cure would be worse than the disease; the clashing of the

wheels within wheels harder far to deal with than the jarring of the simpler machinery they are meant to replace.

That the principle of collision, as reduced to practice in the federal system of the United States, is any thing but the sound principle of good government, I think I have already shown. They, however, could not do otherwise than as they did in acting on it. They were thirteen Sovereign States, so united geographically that their several Sovereignties, independently exercised, were incompatible with one another. The powers they delegated to their Federal Government were all powers of *Sovereignty*,—those which they were physically unable to exercise to any advantage apart,—the treaty and war-making power, the supreme control of the army, navy, post-office, currency and commercial taxation, of the Union. Our Colonies need no other bond of union with each other than they have already in their common union with the whole British Empire. They have no powers of Sovereignty to be incompatible; and none can be delegated to any confederations into which they can be formed, unless at the expense of the existing Sovereignty of the Empire. We cannot let them coin money, make tariffs, keep up armies and navies, treat with foreign States, and make peace or war; and yet keep them a portion of the Empire. The parallel, little as it would promise were it ever so perfect, does not hold at all.

It may be very desirable sometimes to unite two

or more Colonies, I readily admit. Little Colonies hold out such temptation to misgovernment, that wherever a group of them can be formed into a single Province without great difficulty, there would be material advantage in their Union. But the union ought not to be Federal; the new Province, to be kept, should have but one Executive and Legislature; every other administrative or law-making power within it, should be subject to its laws and government—in a word, merely Municipal.

In some Colonies a good deal has been thought of the advantages to be derived from the employment of accredited agents in England, to keep the Colonial Office, the Houses of Parliament and the public better informed as to their views and interests. At one time or another, several Colonies have employed such agents; and now and then, when they have been specially sent to effect certain objects and go back again, their services have been of value. But the question is not of special missions in rare cases of emergency, but of the system of having permanent agents residing at the seat of the Imperial Government. The mere employing of some one in London, perhaps a Member of Parliament or perhaps not, to ask interviews, make speeches and write letters, to order, for a particular Colony, can never do it much service. Agents of this class are seldom Colonists; for few Colonists are to be found living in London for their own pleasure, and few Colonies would pay their representative enough to induce a capable man to leave his adopted or native country and live in

London for the mere sake of that appointment. Besides, a settled residence in London may be said to de-colonize such a man, be he ever so thoroughly a Colonist at first. In a few years' time, the country he represents will have outgrown his recollections, whatever he may do to keep them up. The information he is to deal in he must then obtain from newspapers and letters, just as every one else does. And every one else who cares enough about the Colony to get newspapers and letters from it, and read and talk about them, will put himself and be put by others on a level with him. As for the Colonial Office, with its despatches coming fresh to it by every mail, it will soon learn to laugh at his pretensions to instruct it, and will class him as an authority far below the smoother-tongued advisers whom he is commissioned to discredit. In plain truth, no agent but one can be of real use to a Colony for any length of time, in that quarter. Let a Province have a Governor surrounded by popular servants, and his agency in Downing Street will be worth something indeed. With it, no other will be wanted. Without it, no other worth having can be had.

The project has been entertained, not, it is true, by any political party either here or in the Colonies, but by some speculative writers, of a representation of the Colonies on the floor of the House of Commons, by way of making that body, and thereby the Colonial Office, better able to discharge its Imperial functions. At first sight, the plan may seem to have much to recommend it, but it by no means bears

looking into. The House of Commons is generally admitted to have too many Members, as it is; and were it not so, there would still remain the strongest objections to the number being increased in this particular way. The Colonies could seldom or never be content to return others than Colonists as their representatives; indeed, if they were, their Members would be of as little value as so many mere resident agents, for any information they could render on colonial subjects. Delegates coming from the colonies would be just as incompetent to take part in the local politics of the three kingdoms, as the representatives of England, Scotland, and Ireland to manage the internal affairs of the Colonies.

No one can suppose that by giving the Colonies representation in one of our Houses of Parliament, the necessity of allowing them subordinate local legislatures will be done away; and as to drawing a line between the local legislation of the three kingdoms and the imperial legislation in which alone the Colonies have an interest, and letting the Colonial Members vote only on the latter, that also would be practically impossible. How then could Members from Canada or Van Diemen's Land be suffered to have a voice on English and Irish affairs, while those for Middlesex and Dublin are to have none on Canadian and Australian questions? Were their number ever so trifling, this difficulty could not fail to make itself felt; for their true policy would be to band together to further their own ends, and their vote on English, Scotch, and Irish questions would

then immediately become formidable. But this is far from all. The truth is, that whatever their number, the fact of their presence in the House would be more likely to operate unfavourably on Colonial interests than otherwise. At present, the Imperial Parliament, while it claims full power to legislate on all matters affecting the Colonies, shows itself in practice extremely reluctant to meddle at all in their concerns. Place ever so few Colonists on the floor of St. Stephen's Chapel, and the chief cause of this salutary reluctance were instantly removed. Legislation for the Colonies, there is too much reason to presume, would quickly become the rule, instead of being, as it is now, the rare exception. It is ridiculous to imagine that the Colonies can ever have as many Members allowed them as they would require for the fair representation of their views and interests, in the face of the 658 representatives of the United Kingdom. Overpowered by numbers, their representation must be. And, what with the difficulty in the Colonies of finding the required number of men to undertake such a mission for any rate of pay that could be afforded them, the distance they would be removed from their constituents, the strong temptations they would be under to postpone their constituents' interests to their own, and the power they would always have of throwing at least the larger share of the odium of their acts, whatever they might be, upon their 658 metropolitan fellow-members, their practical responsibility to their constituents must be extremely slight. Under such

circumstances, I repeat, their having seats in St. Stephen's Chapel would do the Colonies more harm than good.

What is it the Colonies want of Parliament? That it should legislate for them as much as it can,—or as little? Most certainly, the less Parliament meddles with their affairs, the better they are pleased, and the better their affairs prosper. They want to be let well alone, to have no one, not even Parliament, standing in their sunshine. On those large questions of general policy, on which the Imperial Government and Parliament must decide, they desire to have their views known, and their interests thought of. Make their Governors, then, represent them. A Ministry can always secure the favourable attention of Parliament to its plans; and a Governor, as a thing of course, commands always the fair, not to say favourable, hearing of the Ministers whose servant he is. The Cabinet gained, all is gained.

View the matter in what light we may, we are forced to the conclusion, that the one remedy, without which everything else will be a mockery, is the simple one of making our Governors distinctly understand that it is their business to govern popularly; that they are to ascertain the state of the public mind as the Sovereign does at home, and to treat it, when ascertained, with the same sort of consideration. To enable them to do this, we must give each his House of Commons; and make all parties, Governor, Commons, and public servants, clearly aware that the chief Officials of the Province, instead

of being suffered to keep their tenure of office, as heretofore, secure by sheltering themselves behind the orders they put into the Governor's mouth for their own guidance, are to be treated as answerable to the Province for all his public acts to which, either by direct ministerial agency, or indirectly by remaining in office, they shall at any time render themselves parties; and are not to be kept in office in defiance of the public voice, should the House of Commons of the Province deliberately condemn those acts, and declare its want of confidence in them as their abettors and presumed advisers; in a word, that in place of the Governor's being the scape-goat for ever sacrificed for their sins, they are to keep their places, as his Ministers responsible to the Province, so long only as they can defend his acts and their own with success.

Such is the sum total of what is required to constitute the true system of Provincial Administration; the so much controverted principle of Colonial 'Responsible Government'; after all, nothing new, no theoretical innovation threatening one knows not what practical results; but a mere extension to our Colonies of an old rule or two of Government long ago reduced to every-day practice by ourselves at home, so easily and constantly kept in practice among us, that in all our political controversies nobody ever now-a-days alludes to them otherwise than as postulates of our Constitutional system, which one would as little think of questioning or proving as he would the postulates that grace the

first page of the introduction to the six books of Euclid.

In Colonies differently circumstanced, the system admits of being developed under widely differing forms. Wherever, as we have seen is still the case in some of our Colonies, the Officials have not as yet been brought into collision with the popular feeling, it may for some time involve no proclaimed or apparent change in their position. A Governor merely announcing and acting on the general principle that the wishes of the Colonists are to have all the weight that can be given them, may make the old machinery of office, though very imperfect, work on smoothly enough for years; the Officials around him undismissed and unthreatened, so long as their good sense or good fortune shall keep them from getting into disfavour with the representative body. If, on the other hand, they have not been sensible and lucky enough to keep clear of this disfavour, they may expect very quickly to feel some of its effects. Individual Executive Councillors will have to make way for more popular men. At first, probably, the retiring men will not be of the number of the well-paid Officials; or if they are, they may manage to retreat adroitly from their unpaid responsibility as Councillors without losing their other offices. And perhaps at the very first, the new Councillors may not all have seats in Parliament. Before long, however, this must become an essential requisite; and then again, at no distant day, must follow the demand that Executive Council-

lors shall not be called on to render their arduous and responsible services for nothing, while the old officials, retaining their old births, are well paid for the easier, subordinate sort of work they have to do under the Councillors' direction. Where, as in Canada on the occasion of the Union, the opportunity happens to offer for an entire re-modelling of the official corps, the Executive Council will naturally be made up at once of leading Officials, all having seats in one or other branch of the Legislature, after the fashion of Cabinet Ministers at home; and the line of political responsibility will be so drawn as to make them the parties specially answerable for the Governor's acts. To this state, with the further probable addition, before long, of a class of secondary Officials, recognized as Members of the Government, though not of the Executive Council or Cabinet, the system must everywhere tend more or less rapidly. It is scarcely to be supposed that in any of our Colonies the peculiarities of the organization of our Cabinet Council will be exactly copied. The Executive Council is likely in all to be both Cabinet and Privy Council; its Members few in number, and ceasing to have anything to do with it, whenever they cease to be Members of the Provincial Administration for the time being.

Be the precise form, however, in each case what it may, the principle is in all the same. The one general rule to be laid down is simply that the wishes of the people are to be as far as possible acted upon by the Executive. The practice in each Colony, as

at home, will come of itself. A House of Assembly will take care not to attack a Governor personally, when it has once fairly learned that it can gain such changes of Provincial men and measures as it may desire, in any other way. And a Governor who understands that a quarrel with the Assembly on any mere question of Provincial men or measures may be expected to lead to his recall, will seldom bring things to that extremity. He will incline rather to choose new Councillors himself, than to put the Crown to the trouble of choosing a new Governor.

Is it said, as by some it has been, that under such a system the Governor is stripped of all power, and reduced to a mere puppet in the hands of a Provincial Junta? The assumption is singularly gratuitous. Who does not see that in this respect the Governor of a Province stands in a far stronger position than the Sovereign of an independent state? Should his Councillors seek unduly to enlarge the sphere of their influence at the expense of his own, he has a power to fall back upon, which his Sovereign in a like case has not. He may appeal, not merely to their political antagonists within the Province, but to the Imperial Government; and if his cause of quarrel be good, he is not likely to appeal in vain. He is the party in direct communication with it. The representative within the Colony, not merely of royalty in the abstract, but of the British nation and power generally, it must be very much his own fault indeed, if he have not influence enough, if his

position under the new *régime*, with a Cabinet and Parliament to deal with and govern by, be not far higher and more honourable than under the old,—when every mail brought him precise instructions on the most trifling details of his administration, emanating almost every one of them from no higher source than the brain of some perhaps clever but always unknowing and unknown subordinate of an Assistant Under-Secretary in the Colonial Office.

Unquestionably, in the supposable case of the selection of a weak, incompetent man as a Governor, his Ministers would have a larger share of power than would fall to their lot under an abler man. But this fact, so far from forming an objection to the system, is in reality one of its recommendations. It would give the Colonial Office a new motive to pick out proper men. Heretofore, except in extraordinary cases, one man has been pretty much the same as another. Downing Street on the one hand, and a knot of irresponsible Colonial politicians on the other, have (either or both of them) played 'Captain's Captain' with all Governors; neither having much fancy for Captains of inconvenient ability; and men of real talent, no strong motive for fancying the Captain's place. The new order of things is calculated to reverse all this. Downing Street, if it means to preserve for itself any power, must benefit the Colonies by sending them out able men, to govern popularly. And failing to do this, it at least cannot injure them by handing over the management of their affairs to a lot of interested

local oligarchies of its own creation ; but will have to place the power it surrenders in the hands of those men in each colony who, on the score of personal popularity and influence, have the best right to hold it, and are the most likely to use it well.

It has been asserted, I am well aware,—and if often asserting could prove, it were well proven,—that all this is irreconcileable with the essential distinction there is between an independent country and a dependent Province. The position of a Governor bound to obey the orders of a higher authority, it is said, is altogether different from that of a King. This plan makes it in effect the same ; and cannot be put into operation without at once rendering his Province a virtually independent state, without in a very short time making it an independent state in all respects. A little closer examination will show that it does no such thing.

The distinction between the two cases is admitted. A Colonial Governor cannot be held incapable of doing wrong, as a King can and should be. The Sovereign of the realm has to do only with his own people ; the Governor of a colony stands in relation not merely to the people he is sent out to govern, but also to the Sovereign who deputes and can recall him, to the Parliament which has an unlimited power of legislation in matters affecting his government, to the people whose will the Parliament embodies. We all know, that for a long time past, our fathers and ourselves have acted on the principle that we will

not hold the Sovereign answerable for his acts, but will throw the blame of them, if any there be, on his Ministers, as men who are loyally presumed to have advised him into every blunder or wrong that any one may charge against his government, as men whose business it was at any rate to have advised him better, to have resigned office rather than be parties to the acts we censure. Now what is there to prevent the people of a Colony from pursuing a like course with their Governor? Will it not in fact be the wisest thing they can do, provided always they have the substantial power that we have, of making any Ministers they find fault with retire from office?

What has this to do with the relations between their Governor on the one hand, and the Crown, Parliament, and People of the Mother Country on the other? It is true enough that *they* cannot agree to regard his Provincial Ministers as the parties responsible for his acts, and so suffer him to disobey orders on the ground that this or that Council or Cabinet of highly influential gentlemen of the colony he is governing advised him so to do. On such a system the Imperial authority would have no one responsible to it at all; for were it to command the Governor to change his advisers by way of punishing them for their bad advice, those gentlemen would merely have to counsel him again to do no such thing, and the second instructions would be quietly shelved beside the first. The only functionary in a colony whose responsibility to the Parent State is

worth any thing, is the Governor. His Provincial servants are not of the Parent State, but of the Province. The authorities at home, therefore, cannot release him from his accountability for every action of his government. Strictly speaking, it will not even do to say that the responsibility is to be divided between him and his Ministers; he answering to Great Britain for his conduct in cases where Metropolitan or Imperial interests are involved, and they for him to the Province in all others. Who is to determine the character of each case as it occurs? The higher authority, it is self-evident, must always define its own sphere of action; just as a Superior Court of Law does, wherever a question arises between itself and an Inferior Court. Resting as it always must with the Imperial authorities to decide what questions are imperial and what provincial, it must always be in their power, if they choose, to control the action of the Governor. In other words, he cannot be otherwise than responsible for every act of his administration, *to them.*

But this seeming difficulty is after all one of mere theory. Responsible Government is not conceded unless the Governor's instructions enjoin on him as a rule, that he is so to conduct his administration as to carry with him, in matters affecting the Province, the vote of the House of Assembly. Now what is the effect of such an instruction? The Colonial Office may still give him whatever orders it may please; but to be consistent, these orders will require to be all interpreted with a constant

reference to this, its first and chief command. On questions of purely imperial policy they may be peremptory, and he must then execute them to the letter—that is to say always, provided such execution be a thing possible. On questions of provincial concern they must be held to be conditional; and he will have to try to carry them out,—but if the temper of the Province be such that he cannot act on them without thereby setting it against him, the general command laid upon him to govern through the Assembly will be his warrant for deferring to its wishes, and reporting home the difficulty he has met with as an insurmountable obstacle. It will be for the home Government simply to judge of the sufficiency or insufficiency of his endeavours to bring his Ministers and House to their views. Satisfied of his fidelity and judgment, they must be content. He has disobeyed no order. He would have disobeyed their most positive order, had he risked a collision for the sake of a conditional instruction. It may happen some day, for it is hard to say what may not happen, that Downing Street may insist on his literal obedience to some such instruction, and he find it absolutely impossible to bring together a set of Provincial Ministers who will take the responsibility of helping him under it. In such a case, there is a collision between the Parent State and the colony, and the question is whether either, and which, of the two will give way. Unless, after due explanations, one or other shall see fit to yield, the Parent State has before her the alternative of

governing the Colony by force or abandoning it to independence. But it is no peculiar result of Responsible Government, this state of things. On the contrary, I shall show presently how very much it lessens the risks of its being even brought about. We must look first, however, to its practical results with regard to the relations which it establishes between the different authorities of the Colony itself. These ascertained, it will be easy to show its operation as between them and the authorities of the Empire.

The tendency of the system, as I have shown, is to establish in each colony a council of resident Colonists responsible to its legislature for the Governor's acts, and more or less closely resembling our Cabinet Council, according to circumstances. The closer this resemblance, the more perfectly has the system been introduced. Wherever it is in any thing like full operation, the members of this responsible Cabinet must act together in the conduct of the administration, except in those comparatively few cases where they may avow the ' open question ' policy ; must all be answerable (except as may regard any open question) for the public acts and declarations of each of their number, as well as for the public acts and declarations of the Governor whom they serve. Whatever the Governor says or does is said or done by them, unless to escape such responsibility they at the time retire from office. Whatever any one of them says or does is in like manner the word or deed of all of them, unless at

the time they unequivocally repudiate it by either making him leave the Ministry or leaving it themselves.

As a matter of course, a Provincial Ministry, once organized on any thing like this footing, must undertake and be answerable for the satisfactory conduct of the Parliamentary business of the country. It must speak on all occasions for the Crown, in both Houses, conduct Government measures, and especially move and carry the supply votes required for the public service. It is important the Crown should resume, wherever it can be done, its right (abandoned in most colonies) of initiating all money-votes; so that its Provincial Ministers may be made directly and obviously accountable for the whole expenditure of the public funds. There will be little difficulty about this, when once the people and their representatives shall have become habituated to the usages to which the presence of Ministers of the Crown in Parliament must lead; but till then, the innovation will be viewed with distrust, and ought not therefore to be prematurely urged.

Well organized, however, or ill, the *sine quâ non* of their position is the necessity under which they are placed of carrying with them the sense of the House of Assembly. The Crown having declared that it will not regard its higher ministerial servants in a Colony as holding office otherwise than on what may be termed a political tenure, that it will consider reasons of state policy at all times sufficient cause for their removal or resignation, they stand

before the country bound to defend the whole course of the Representative of the Crown. If condemned by the public voice in so doing, they must resign; or the Crown, to act out the declarations of its Imperial Ministers, must remove them. A single defeat on a legislative measure, of course, need not unseat them, any more than it need unseat Ministers here; but a vote of want of confidence, a defeat on a motion for necessary supplies, or on any other motion of importance upon which they may have taken a special stand, or a series of minor defeats showing them not to possess the confidence of the popular body, must force them to the alternative of a dissolution of Parliament or loss of place.

So far, all we find is a tendency to the closest approximation possible, towards long-established British usages. But as regards the relations between them and the Governor, it becomes requisite to note an essential distinction between what is the British and what must be the Colonial usage. The Governor of a colony, we have seen, is not the mere representative of the Crown, but its servant also; as much its Minister as they, though of another and higher grade than theirs, responsible for every act to which he is a party, not indeed to the Colonial Legislature as they are, but to the Crown, and to the Parliament and people of Great Britain who suffer no Minister of the Crown to be otherwise than accountable to themselves for the discharge of his trust. On the shoulders of a Governor's Provincial Ministers this accountability to Imperial authority

sits lightly; for they are far off, and it knows little or nothing of them. But on the Governor its weight falls quite otherwise. His orders come to him direct from home; he must explain or defend all he does to the Ministers of the Crown at home, whenever they require it, and his acts may be disavowed, and he censured or recalled, if they should think his reasons insufficient. Unable to devolve this responsibility on any Provincial advisers, or even to share it with them, his position calls on him to take a far more active part in public affairs than the Sovereign is under any necessity of taking. The Queen is always safe in following her Ministers' Counsel, and may follow it therefore just as implicitly as she chooses. He is no such thing. They may advise him to do what may cost him his Commission; and it will seldom be enough for him, when his acts may be questioned, to say merely that they were advised. A weak man, to be sure, or a man whose habits or health may not admit of close attention to business, may in point of fact give his Council as free scope, and himself as little trouble, as he pleases; but he does so on his own risk. A man of mind and character, equal to the fatigue of his duties, will not leave other men to do them. Before acting as his Ministers propose, he must want to hear their reasons, and to be satisfied besides in his own mind that they are sound. The general type of the Colonial Governor, under the system of Responsible Government in its best estate, ought not to be and must not be the 'King Log'.

'The Governor of a Colony greater than his Sovereign!' cries some astonished provincial Liberal who has not yet thought quite as deeply as he has felt upon the subject, 'the Queen's Representative take upon himself personally, within his Province, a larger share of the duties and therefore of the powers of government than the Queen his mistress does at home! Her Majesty's Provincial ministers held more in check by a mere Viceroy—their fellow-minister, as you style him—than her Imperial ministers are by Royalty in person!'—Brave words, doubtless, and hard to answer, were it not sense more than sound that one fears in argument. Who does not know that the Premier's views are a ten times greater check on the freedom of the majority of a Cabinet, than the Queen's are? Yet who complains, therefore, that the constitution recognizes the Premier as greater than the Queen? Every body is aware that the Premier has to look so closely after his colleagues, because, being the Queen's chief minister and nothing more, he is specially held accountable for his associates in the ministerial trust. The Governor of a Colony is *so far*, in the position of a Premier as this, that he too has to answer for his Cabinet; to be their sponsor to the Empire just as much as they are his to the Province. It is not that he is greater than the Crown, but on the contrary because he is merely the Crown's servant, that he must personally have more to do within his Province than his mistress need do at home. The question is not of any prerogative to be enjoyed by

him, which the Queen has not, and therefore cannot delegate. The Queen has the undoubted *right* to attend as closely as she pleases to all manner of State affairs. The inconceivable amount and multiplicity of the public business simply set limits to her physical power of attending to it. And as a Sovereign, having ministers who must assume the entire responsibility of it, her prerogative in this respect is not her duty. With her Representative it is; and the amount of business which it brings under his charge, though great, is yet so much less, that he can in effect exercise a kind and degree of oversight of it, as a whole, such as it would be ridiculous to suppose that any Sovereign of an immense Empire could possibly exercise over its world-wide machinery of imperial government.

But there is more to be said. Whatever a Governor may be to the Crown, and to the Imperial Parliament, he is nothing less within his colony than the Crown's Representative; and the Colony is after all nothing more than a powerful municipality of the Empire, its local laws made valid, nay, its very corporate existence given it, by Imperial authority. To the Empire the Queen is simply a Constitutional Sovereign, the limit the Constitution sets to her authority being in effect the will and pleasure of her subjects. To the Province, the Governor is as much the Representative of the Empire as of the Sovereign. The virtual responsibility, so to speak, of a Sovereign to his people consists in the risk he would run of being dethroned by them, if he were

to excite the nation by misgovernment into rebellion. That of a Governor to his Province is in his danger of recall by the Imperial power, if the complaints of the Province should induce it to think he is doing wrong. A nation has a direct hold on its Sovereign, which the people of a Province have not on their Governor. He is not greater than a King, but they are less than a nation.

That a Colony has no good reason, constitutionally speaking, let its people be ever so devoted to the more strictly popular characteristics of the Constitution, to complain of this necessary practical result of its position as a Colony, is easily shown. The British Constitution here in Great Britain, where the purely monarchical check is no doubt rather less than it tends to be with them, is any thing but a contrivance for giving to a popularly elected body, the representative of the national will, an immediate, absolute, unchecked control of the whole power of the state. It is the power that rules, because it is the strongest power; but its rule is no despotism. The Upper House is strong, too; and the Crown, surrounded by Aristocracy and sustained, besides, by the confirmed aristocratic and monarchical habits of thought of the entire nation, is no mere passive agent of the ruling Third Estate. The checks interposed by the Constitution yield before the deliberate will of the Third Estate, but not to its caprices. No form of government can ever work well, unless it provides checks upon the ruling power sufficient for this purpose. The caprices of unchecked power—

of despotism, in other words, whether centred in a single ruler or in an oligarchy or in an elected body, — by the mischiefs they inflict, create disturbing forces that convulse society in their effort to throw off the incubus. The over-balanced machinery of Transatlantic Republicism forms no Government at all ; but caprice-rule, be it of a Grand Turk, or of a Venetian Senate or of a National Constitution, is a Government if possible worse than none. We have seen that in a Colony the aristocratic check upon the popular impulses is greatly weaker than it is at home. Its Legislative Council is not of itself a power in the State, as the House of Lords is. The Province absolutely requires, for the very security of its popular government, that the Crown be within it more a power of itself than it either need be or can be to the Empire.

Be it remembered, moreover, that this greater check is after all one of very slight disturbing power. It consists merely in the necessity under which it places the leaders of the ascendant party in a Province, of securing for their proposed measures the assent of the representative of the Imperial power, an assent which he can have no motive to withhold lightly. It is not a supposable thing, that he will be instructed, or that without instructions he will be inclined wantonly to thwart the wishes of the party that sustains him with its friendly majority. The inevitable tendency of the system, as I have shown, is to make the home Government choose capable men as its representatives, and trust its

interests to their discretion when so chosen. If, then, the proposed measures of a Provincial Cabinet are such as to make the Governor demur to their propriety, the chances are that it will eventually shape its course in regard to them all the more prudently for the delay and discussion which his demur will have occasioned. Indeed, without his often or perhaps ever demurring seriously to any project, the knowledge on their part that they have got so to frame and so to state their projects as to satisfy him that he may safely lend them the weight of the approbation of the power he represents, must always be a most salutary restraining influence. It is the thing most wanted in all political controversy, —an ever acting inducement to party moderation in the exercise of power.

Peculiar, however, as the relation of a Governor to his Cabinet is in this respect, there is nothing in it to warrant them, or the Parliament or people they represent, in treating the Governor personally, otherwise than as the Cabinet, Parliament, and people of Great Britain always treat the Sovereign. It is one thing for the Governor to feel that with reference to Great Britain he is a mere minister of the Crown ; and a very different thing for them to regard him in that light with reference to their Colony. They strike at the first principle of the Responsible Government system, if they do so. They force him, be his inclinations what they may, into the false position of one who is a party to their political struggles. They compel the Imperial Government,

whose servant he is, to be continually taking part with or against him in those struggles,—in a word, to be always exercising in their internal affairs an interfering influence which the Colony must dislike as amounting to a perpetual and most harassing control. They will bring back upon themselves, to the best of their power, all the evils and annoyances of the old system which it is the very object of the new to get rid of.

No feature in the British Constitution is more obvious to remark, than the exceeding jealousy with which it provides against the possibility of the Crown's being drawn into collision with the People, and so losing any of those constitutional prerogatives without which it would cease to have the power to conduct the government of the country with effect. *A multo fortiori* should the people of a Province take care to observe all the conservative usages which for this end the good sense of parties at home has established. Here, the one danger to be apprehended is an undue weakening of the Executive authority, which after all is but what the nation chooses to have it, and might therefore in case of need easily be strengthened again by the nation, if it chose. There, there is the further danger of collision in the mean time with the Parent State, of a government at once inefficient and unpopular, and withal by no means admitting of the same easy restoration to its normal integrity of power.

The Sovereign himself, for instance, except in his Coronation Oath, never gives, and is never asked to

give, any pledges or assurances whatever as to his future course of action, either to his subjects collectively or to any individuals or public bodies. Whoever gives a pledge or promise of any sort makes himself by that act responsible to the party to whom he gives it. The promises of Royalty are made, therefore, through its ministers, and are constitutionally regarded as theirs and theirs only. The King himself must be unbound, free always to act or refuse to act on any and every occasion when his ministers may offer him their advice. Were he not so, ministers would have an indefinite power of fettering, through the Sovereign, their successors; and he would besides become so completely a party to their acts that a change of Ministry could hardly take place without a change of Sovereign too. The only case of seeming exception to the rule is really no exception at all. Ministers taking office do so of course on such terms, that is to say, with such Colleagues and on such avowed principles, as they see fit. And the species of negociation that takes place on such occasions may at first sight seem to be a requirement on their part of an engagement to themselves from the Sovereign. But it is no such thing. The Sovereign gives no promise, and they ask none. They state their views and wishes, not for an indefinite or contingent future, but for the certain present. He determines how far he can then and there act upon these views. Determine as he may, his decision is for the present, and binds him in no sense for the time to come. To take a recent

case, and one that presents more of the semblance of a pledge from Royalty than perhaps any other that could be named, Sir Robert Peel's famous stipulation for the removal of the Ladies of the Bedchamber. The proposal to the Queen was limited to a single act, and contemplated no engagement, expressed or understood, from herself to the expectant Premier. He could not take office but with a Cabinet of his friends and a Royal Household not made up of his enemies. Of what the Queen was to do or not to do after he should have taken office, there was not a word. The Minister can always retire from office, if he should not like what the Sovereign may do or mean to do. That one check is all he can either have or ask for. And it is and must be just as truly the one sufficient check in a Colony as in a Kingdom.

Again, as a necessary consequence of the same general principle, no public man or set of men may constitutionally assume an attitude of antagonism towards the Crown. If any one chooses to violate the rule by any act or word discourteous to the Sovereign, he has disqualified himself for the public service; no man so offending being ever forced on Royalty. And with good reason; for the offence is one that argues a want of sense and temper, for which no popularity or talent could ever make amends. Nor may a Cabinet place itself in unnecessary collision with the Crown, any more than an individual. No Minister or Ministers either while in office or after leaving it, may charge upon the

Sovereign any general personal intentions or opinions from which he or they dissent. Those intentions and opinions every one is bound to presume right; and be they what they may, Ministers at any rate are not answerable for them, but simply for the advice they tender or may be presumed to tender him, and for his acts as the evidence of what that advice was. To draw the personal opinions of the Sovereign into controversy, is to put the question to the country, of his fitness or unfitness for the throne, instead of the true constitutional question of their own fitness or unfitness for office; to set about a revolution, not a change of Ministry. Besides, the knowledge they have of those opinions must be derived mainly from their communications with him at the Council Board and in the transaction of their other official business. For the business of the country to be carried on satisfactorily, the most perfect confidence should mark the intercourse, at once of the Sovereign and his Ministers, and of the Ministers with each other. How is this to be, if any information obtained through such means be liable ever to be divulged, unless with the unequivocally expressed mutual consent of the parties? Once let men regard confidential transactions as not strictly secret, and all confidence is at an end.

Hence the absoluteness of the rule, that in case of a resignation, no retiring Minister may enter into any explanation whatever as to the cause of his resigning office, until expressly permitted by the Crown to do so; that there must always be Ministers

responsible for such permission ; and that the extent and tenor of the explanations may in no way go beyond or contravene any limitation, express or implied, of the permission given. As to a permission to bring into debate the personal views of the Sovereign, that is a sheer impossibility. No retiring Minister could dare ask it, nor any Minister in office be a party to the granting of it. The resignation must always turn on *some one or more special facts*, and in defending and discussing it nothing confidentially known may be disclosed beyond what strictly relates to such fact or facts. The fact or facts on which a resignation turns must, further, always be *of the present time*. No past transactions can be brought up, except in so far as they may be clearly necessary to the right understanding of the present ; and then there must be absolutely no charge of malfeasance founded on them, even against a colleague. What is done is done. Every Minister has made himself accountable for every public act, whether of the Crown or of his Colleagues, which he has suffered to pass without instant resignation. Could he relieve himself from that accountability by asserting afterwards that he protested, or objected, or was not advised with, he were no responsible Minister at all ; he might stay in Office half a lifetime, and to the last disclaim all personal agency in every transaction that any one should find fault with. Nay, with such a rule, a Ministry might even purposely mislead the Sovereign, by bad advice or criminal remissness, into errors grave enough to com-

promise his Crown, and then slip out of the trap themselves, by declaring to the Country, that they remonstrated, and remonstrated in vain, and were at last forced to retire from his counsels by his determined persistence in misgovernment. Such a case, doubtless, were an extreme case; but it might occur, were the rule other or less absolute than it is. Ambitious politicians behave none the worse for having strict rules to go by.

In this country, by long usage, all these rules have become so much a thing of course that one hardly ever has to state them. But in a Colony, where the old system has been long in operation, and where people have consequently learned to regard the recall of a Governor in a light so very different from that in which every one would look upon the deposing of a King, it may be necessary to argue them out at length and dwell upon them, till men's minds shall have become thoroughly habituated to them in their practical application to colonial politics.

There is really equal if not even greater need in a Colony, for the requirement of a strict observance of every one of these fixed rules of the Constitution. The choice in either case is between two systems; the one, the plan by which the people hold the head of their Government answerable, and for any change of policy have to seek his removal; the other, the plan of holding his Ministers to account, and trying merely to change them. As an independent nation, if we resolve on revolution, we can have it. No one else has anything to do or say in the case. But

a Colony, seeking even redress of grievances by clamouring for the recall of its Governor, brings itself into controversy with the Parent State, whose Minister the Governor is; and may or may not be able to gain its immediate end, according as the Parent State may be more or less decided in its opposition, and more or less powerful. Gain it or not, the struggle must at any rate be far more tedious and exasperating, and its results therefore far more to be feared, for the fact of this inevitable intervention in it of a strong third party. Time out of mind, that system of getting rid of Governors has been in full operation. With what results? The conversion of thirteen Colonies—after a long war, in which they were more than once nearly beaten, and could not have succeeded after all, but for a degree of folly and mismanagement on the part of the then Imperial Government such as it is little likely to be soon guilty of again,—into a foreign state; a steady progression towards an unavailing anarchy of excitement and discontent in every other.

The Colonial Office has in fact promulgated the new system; late in the day, it is very true, perhaps more hesitatingly and in terms more nearly bordering on the ambiguous, than it should have done. But, nevertheless, by its repeated abjurations of all wish to govern colonies otherwise than in the interest, and in accordance with the well understood wishes, of their people; and by the Russell rule, that declared the tenure of the higher offices in the colonies henceforth political, it has said all it was

essential for it to say, to put the new system into operation. It has but to be wise enough to keep its practice to the rule it has laid down. The Colonies themselves have to do the rest; and the success of the experiment, supposing always the Office not suddenly smitten with insanity, will depend on the way they set about it. Let their public men adhere strictly to the safe usages of the Mother Country; let the same wise moderation mark their course which here has consecrated those usages, and without which even here the political machinery of which those usages form an essential part never could have been made to work, and could not now be kept at work a twelvemonth; and there is nothing to prevent them from entirely succeeding in the attainment of their ends. Let them, on the other hand, show any other temper; let them seek to overleap or force down barriers which possibly some of them, unused to the practice of constitutional rule, may mistake either for mere matters of form, or for restrictions on the popular principle of government; and, however indisposed the people of Great Britain may be to meddle ever so little in their affairs, they will soon find out to their cost that the age of miracles is gone by, and that upon their principles the maintenance of the constitutional system is an impossibility. If the Governors to whom Great Britain delegates the authority of her Crown, are to be treated in their several Provinces, not as the Crown is treated at home, but as objects of political hostility and attack, Great Britain will be forced to

stand by and see fair play, to support them whenever she may think fair play is not given them. There is but one kind of popular rule that she can extend to her colonies; the kind she keeps for herself. A signing and sealing automaton, fettered by engagements for the future—the tongue-tied, thought-tied agent of a set of Colonial Councillors, who if they see occasion may release themselves from all responsibility by asserting that all or any of his past acts were not theirs—a mere salaried state-puppet—is not the Representative the British Crown must have in its several colonies, to maintain unimpaired the relations that must subsist between them and the Empire.

A question of fact, remains, and must be answered before we can proceed further. The late Nova Scotia and Canadian resignations, how came they to happen as they did, if Colonial Responsible Government is the safe system I have stated it to be?

An answer that seems to have satisfied the gullibility of some people's suspicion in Canada, throws all the blame on Downing Street and its two Governors. Lord Stanley, they say, must have given orders, or Sir Charles Metcalfe and Lord Falkland must have laid their heads together, with or without Lord Stanley's privity to the plot, for the recall of the fatal concession of Responsible Government. The charge is gravely made in Canada, though I am not aware that any one has thought it could be of much use to make it any where else. Lord Stanley has said in Parliament that he had given no such

orders. Mr. Viger, Sir Charles Metcalfe's leading Minister, a veteran Responsible-Government man, and an honest man above suspicion, has declared in Sir Charles's behalf that he had had no such previous communication either with Lord Stanley or Lord Falkland. The authors of the charge treat these disclaimers as a mere pleading of 'not guilty'. Counter-evidence of its truth they cannot have. Let us see whether the facts are such as to warrant us in attributing to it any, the very faintest shadow of credibility.

The Nova Scotian case it is easy enough to understand. There had been there, from the time of Lord Falkland's arrival in 1840, a sort of coalition Cabinet, framed upon terms to which Lord Sydenham, when he visited Halifax in the summer of that year, had brought several leading Liberals to agree, and which he had recommended for adoption as embodying the smallest amount of concession that could be made available. Sir Colin Campbell's Executive Council had been defeated in the House in the month of February previous, on the vote of want of confidence, by a majority of 30 to 12; and one Member of it, Mr. J. B. Uniacke, had resigned in consequence, stating that he understood the Russell tenure-of-office Despatch then just published to be a concession of Responsible Government, and should act on it accordingly, however much till then he had opposed those who had contended for it. Sir Colin had told the House they were quite mistaken, and in a very short time had pushed the quarrel to the

point of forcing it to call upon the Crown to recall him. By Lord Sydenham's advice he was recalled, though with all imaginable courtesy of manner, and with the substantial *douceur* of another colonial government to console him. Lord Falkland on his arrival found five Members of the Executive Council who had seats in neither House. To four of them he intimated that the Queen had no further occasion for their services; and he desired the fifth, Mr. M'Nab, a gentleman who had been appointed after the vote of want of confidence and was the only Liberal in the whole body, to obtain a seat in the Assembly. This done, he called to his Cabinet either three or four other gentlemen who had or could get seats in Parliament, Mr. J. B. Uniacke being one, and Mr. Howe (the only man of the three or four who could be said to be of the popular party) another. The House stood more than two to one against the old Official party. In this coalition Cabinet the majority of the House numbered just two votes; a third member, long a minority leader, was a recent convert to its views of Responsible Government; while five Members were of the minority party! Most of its Members had to serve without pay, the two Liberals among the number; most of the better paid Officials kept their offices free from the troubles and risks of the Executive Councillor's position.

However, the Liberals generally assented to the terms, though not a few grumbled at better not being given. Parliament was dissolved, a new House

of the same political complexion was returned, and the coalition Ministry received its support and sanction. At one time, for a few months, a third Liberal had a seat in it; and for about a twelvemonth before it was broken up, Mr. Howe held an office of emolument, that of collector of Provincial Customs for the Port of Halifax; but beyond this there was no approach towards a fairer distribution of the honors and rewards of office. The minority, though thwarted by their Colleagues at the Council Board, were all the while the real leaders of the Government, because they sustained it by their majority in the House. On two several occasions, first in the session of 1841 and then during that of 1842, two of the old-school Councillors (Messrs. Johnston and Stewart) who had seats in the Upper House, spoke there of the principles on which the Administration was founded, in a manner that implied its non-admission of the Responsible-Government principle. On the former occasion, Mr. Howe was content to contradict them in his place in the Lower House, but on the second, his friends and he had to insist on the distinct embodiment of the views of the Cabinet upon the point at issue, in a written document to be read as their joint confession of faith in Parliament. For the time, the difficulty was got over. The House recorded its confidence in the Ministry by a vote of 40 to 8; the political friends of the two Councillors giving 27 votes for and 3 against the motion; and those of the six, voting 13 for and 5 against it.

Such a state of things was not likely to last for

ever. The dissensions in the Cabinet became more threatening; the Liberals in the House, less complaisant and yielding. The balance of parties, they insisted, was all one way, and that not theirs. They were damaging themselves with their friends by the support they gave it. Their leaders must have more voice in the Cabinet, or they would very shortly have less in the House. The party of the old officials, on the other hand, elated with the accession of the Conservatives to power at home, thought of nothing less than getting entirely rid of their antagonists and reverting to a Government of their own framing. At this juncture, some leading men of the Baptist persuasion (a very numerous religious body in Nova Scotia—a full fifth, it is said, of the entire population of the Province) got into a quarrel, on matters foreign to politics, with Mr. Howe. His Colleague, Mr. Attorney-General Johnston, himself a Baptist, took part in the dispute; and the two Ministers, long rivals and jealous of each other, became open personal enemies. Among other promising openings for political collision between them, was an application for a Provincial grant for a Baptist college. Howe and his friends generally had made up their minds that the old practice of frittering away the public grants in aid of half-a-dozen little sectarian make-believe Colleges, was a bad one; and that the Province ought instead to found and endow handsomely a single University in which the existing institutions might all be merged. The House was for carrying out this view; and the grant to Acadia

College was refused. Johnston made himself the champion of its claims ; and directly after the session of 1843 was over, set out on a tour of agitation through the Counties where the Baptist body was most numerous, to hold meetings and make speeches against the University project. Howe, in return made a like tour in another direction to agitate in its favour. The alienation of the Baptists was too tempting an opportunity to be lost. What with the divisions in the Cabinet and the temper of the House, it was clear that change of some sort was impending ; and the Council majority carried their point that the change should begin with a dissolution of the latter. The step was resolved upon and taken, while Howe was still out of town. The two parties in the Cabinet and their respective friends went to the Hustings in open hostility, each party charging the other with intrigue. The Elections took the Liberals every way at disadvantage, and though they claimed a majority of the new House, their opponents insisted upon it that the majority was theirs. Mr. Howe, it seems, expressed to Lord Falkland his conviction that by somewhat re-modelling the Cabinet, so as to make sure of all the Liberals, a good working Government could be formed ; and offered either to remain in office with that view, without Mr. Johnston, or (if his Lordship wished) to retire and leave Mr. Johnston and his friends to any other policy they might prefer. Lord Falkland was desirous he should continue in the Council, and Mr. Johnston too ; and with some reluctance and after consultation with his friends,

he consented, and Mr. M'Nab with him, to meet the new house with the Council as it stood, though adhering to his former opinion that the Coalition on its then terms could by no possibility last long after the House should have come together. A few days after, the Johnston section of the Cabinet took their next move. Lord Falkland acquainted Messrs. Howe, M'Nab and Uniacke with his determination to make their five opponents six, by calling to the Council Mr. M. B. Almon, Mr. Johnston's son-in-law, a Halifax banker, generally respected as a gentleman and man of reputed integrity and wealth, but who had never sat in Parliament, was not then a Member of either House, and was all but unknown as a politician except from his having been active in opposing Mr. Howe's return for the County of Halifax at the election that was just ended. That the three gentlemen at once tendered their resignations was no great wonder. The one marvel is that such cause for instant resignation could possibly have been given them. Neither Downing Street diplomacy, nor Lieutenant-Governor's unaided brain, could ever have hit upon the notion. It bears the true stamp of Provincial Bureaucratic genius.

The meeting of the Legislature has given neither party the triumph to which they both seem to have looked forward. Mr. Johnston and his five Colleagues did not dare contest the re-election of the former Speaker, though one of the most openly decided of their opponents in the House. But upon the question of an amendment to the Address, implying a declara-

tion of want of confidence, the Opposition failed, after a fortnight of debate, by a vote of 26 to 24, (or rather 26 to 25, for one of their number, the Speaker, could not vote,) no member being absent. The same majority of one was the utmost they could muster on a second test-question a few days after. On the Civil List Bill, their great and apparently their only Government measure, they avoided the show of defeat by leaving all the amounts named in it to the mercy of the House ; moving the actual salaries of the incumbents merely *pro forma* and letting the Opposition cut them all down as it chose. In one case only, where Mr. Uniacke thought a proposed reduction too low, and was for having an amount fixed between theirs and that of his Opposition friends, they ventured on a division, and were defeated by a vote of 27 to 20.

No Government can stand long with so little strength as this. Overtures, accordingly, are said to have been already made to the retiring Members, to induce them to resume their seats ; but as yet to no purpose. The offered terms, as report states them, gave little promise of success. The six gentlemen, Almon among them, were all to stay in, on the one side ; the three ex-Councillors might come back on the other, and a tenth seat at the Board might be given to a Catholic with whom they should be willing to act. Considering the experience they had just had of a coalition of this one-sided kind, the circumstances of Mr. Almon's appointment, his relationship to Mr. Johnston, the fact that those who

made the offer could barely, even with all the use they could make of Lord Falkland's name, whip up a majority of one to stave off the necessity of resigning, while those to whom it was made were strong enough to beat them hollow on their money votes, it would have been a strange thing had the proposal been closed with. The precise terms of the refusal are not distinctly stated; but the amount of the counter-demand appears to have been an equal representation of the two parties in the Cabinet.

Let well alone by the Colonial Office, all this will soon right itself. The Nova Scotian ex-Ministers merely resigned when they could not help it, adhered exactly, in resigning, and have continued to adhere since, to all the constitutional observances which are considered binding on ex-Ministers of the Crown at home. There is no theoretical demand preferred; no voluntary quarrel on their part with the representative of the Crown. Their opponents have tried hard to play the old game of making him their scape-goat, and with some measure of success; but for this the ex-Ministers are not answerable. Responsible Government, in a word, has done no harm in the world, and is doing none. On the contrary, it has been keeping the Nova Scotian Liberals for several years in a temper of singular moderation, and at this moment is still keeping them, (though in opposition, and with a great deal to exasperate them) from all extravagance of demand. Parties happen to be nearly balanced; but it does not matter a straw to any Imperial interest which of

the two may gain the upper hand, or what terms of truce they may hit upon to serve while their present balance of power shall last.

But now for Canada. The Union made Lord Sydenham give the Canadians a much nearer approach to an English Cabinet than he had seen fit to let the Nova Scotians have. The first Executive Council of Canada consisted of nine of its principal Officials, a Presiding Councillor, two Provincial Secretaries—one for Lower and one for Upper Canada—four Law Officers, two for either division of the Province, the Receiver-General, and the Chairman of the Board of Works. Unfortunately, the whole French race in Lower Canada were in uncompromising opposition; and in the broken and disjointed state of every other party in the Province, the Governor's personal influence and tact were the main reliance of his Cabinet—a coalition, besides, in itself, of a somewhat heterogeneous character. Just as Parliament met, Mr. Baldwin, his Solicitor-General for Upper Canada, without any previous consultation with his colleagues, advised his Lordship, in writing, of the necessity there was in his opinion of immediately obtaining the support of the French Canadians, and tendered his own resignation in the event of the advice not being directly acted upon. Lord Sydenham accepted the resignation, and Mr. Baldwin, a Minister the day before, took his seat to debate the answer to the speech from the throne, as a leader of the Opposition. He carried with him, however, in this move, some three or four only of

his friends. Lord Sydenham's dexterous management kept the great body of the Upper Canadian Liberals on the Treasury side of the House; and the Cabinet, though again and again in the greatest possible danger, lasted out the session, carried an immense mass of important measures—some, it is true, miserably enough put together—and seemed stronger in the House when Lord Sydenham died than it had ever done before.

The real strength, however, had not been theirs, but his. At the opening of the Session they had, of course, been obliged to promise that they would resign in case of their failing to receive the support of the House; and, shortly before it ended, to make themselves active parties to the passing of a string of Resolutions that affirmed, with tolerable distinctness, the determination of the House that the principal Officers under the Governor were thenceforth to be regarded by it as a Provincial Administration. But, in fact, till Lord Sydenham's death, their ministerial position had rather been a form than a reality. They had constantly relied on him far more than he on them. With Sir Richard Jackson as Administrator, and afterwards with Sir Charles Bagot as Governor-General, the state of things became widely different; and every one soon felt the Executive Council to be a Provincial Ministry in more than name. Before his death, Lord Sydenham's consciousness of the weak points of his position had led him to make some overtures to the French Canadians, but their deep sense of the wrongs

he had done them made reconciliation impossible. His Cabinet, feeling still more its weakness when deprived of his personal influence and fertility of political resource, from time to time kept up the effort; but isolated at Kingston from everything Lower Canadian, and suspected as predominantly Upper Canadian in its composition, and still more as the creation of Lord Sydenham, its attempts availed little. Several elections caused by casual vacancies, replaced friends by enemies; and by the time Sir Charles Bagot had been in Canada a few months, it was a perfectly clear case that the Council as it stood could never get through another Session. Two plans for strengthening it offered, and both were tried. The one was that of recruiting from both the Upper Canadian parties, to gain at any rate the utmost possible *quantum* of Upper Canadian support; the other, the larger policy of still trying to win over the great hostile party of Lower Canada. In pursuance of the former, the appointment of Inspector-General of Public Accounts, with a seat in the Executive Council, was offered to Mr. Hincks, an Upper Canadian Member, who for a short time had been the most zealous of the three or four special adherents of Mr. Baldwin when he went into opposition, but who had voted against them soon after for some of Lord Sydenham's measures, and had quarrelled with them desperately in consequence; and the post of Solicitor-General for Upper Canada, vacant since Mr. Baldwin's resignation, was tendered at the same time to a leading and very decided

partisan of the defunct official party, Mr. Cartwright. That gentleman, however, after some time had been spent in the negociations for this double accession to the Cabinet, positively refused to come in with Mr. Hincks. Mr. Hincks therefore came in alone, and a few weeks after, the Solicitor-Generalship was given to another gentleman of Mr. Cartwright's politics, who had not then, but was at an early day to get, a seat in Parliament. Meanwhile, to carry out the other plan, a vacant Chief Justiceship in Lower Canada was given to the ablest and most popular of the French Canadian Judges, the Commissions of the Peace were revised, and most of the Magistrates restored, who had been dismissed, from political considerations, in 1837 and 1838; the Solicitor-General for Lower Canada was made a Judge, and his former office and seat at the Council offered to more than one of the popular French Canadian leaders. But the offer should have been larger. No one man dared take office alone; and the place was still unfilled when Parliament met.

In September, 1842, Sir Charles Bagot opened the second session of the Canadian Parliament, with an Executive Council that could not possibly work through it. Both the plans had failed. The new Inspector-General had not made the Government a bit stronger with the Upper Canada Liberals than it was before, though his appointment had given great umbrage to their opponents. The new Solicitor-General (not yet in Parliament) had equally damaged it with the Liberals, and had done it as little good

with his own friends. Lower Canadian support it had none to trust to ; for the advances it had made to the French, though not sufficient to gain them, had fully sufficed to alienate their antagonists. Defeat thus imminent, the negociation with the French Canadian leaders was resumed. They refused to take office with the then Attorney-General for Lower Canada, Mr. Ogden, or without Mr. Baldwin, in consideration of his having gone out for their sake the year before ; and Mr. Baldwin would not come in with the lately-appointed Solicitor-General for Upper Canada, nor yet without some one of the small section of his own party, who had at that time thoroughly adhered to him. Mr. Draper, the Attorney-General for Upper Canada, one of the most capable men in the Council, and who had been one of the most decided in urging upon Sir Charles Bagot the policy of justice to the French Canadians, was upon such terms, political and personal, with Mr. Baldwin, as prevented their possibly acting in concert ; and had, therefore, backed his advice for the reconstruction of the Cabinet, with the unconditional offer of his own resignation. Mr. Ogden was expected in a week or two from England, but there was not time to wait his return. The Cabinet was reconstructed, by the admission, in their room, of five new Members, two of them French Canadians, one a Lower Canadian of British origin, sitting in Parliament on their interest, and two Upper Canadians brought in as their allies. Of the six Members who had kept their places, five had been in office

under Lord Sydenham ; but only one, Mr. Sullivan, the *ci-devant* Presiding Councillor of Sir Francis Head and Sir George Arthur, had ever been politically implicated in the acts of preceding Provincial Governments. The rest were all recognised political Liberals ; and Mr. Sullivan had by that time made as much profession of Liberalism as of any thing else. The strength of the new Administration was in a few days shown by a vote of the House, of 55 to 5, to thank Sir Charles Bagot for having formed it. No Council could possibly have been stronger ; none could have more entirely commanded the support of the whole popular party in both sections of the Province.

Immediately before the opening of the third session of Parliament by Sir Charles Metcalfe, one of the Provincial Secretaries, Mr. Harrison, was under the necessity of resigning ; the Council having determined to make the removal of the seat of Government from Kingston to Montreal a Cabinet measure, and his seat in the House being for Kingston. Except, however, on that one question, he did not go into opposition ; and upon that question, though of course opposed by many of their Upper Canadian friends, the Administration succeeded in obtaining a decided majority. The Session had lasted about two months ; most of their measures (and their number and magnitude were beyond all precedent) were in progress, a few had passed the two Houses, and some were still only promised ; when, without note of preparation, it was suddenly announced in

the Assembly one Monday morning, that nine of the ten Councillors were out of office. They had sent two of their number on the Friday to lay certain views of theirs before Sir Charles Metcalfe; had discussed them with him in full Council the next day; had tendered their resignations on the Sunday; and on Monday morning came down to Parliament no longer Ministers.

Two days after, followed the formality of the explanations in Parliament; of the peculiar manner and style of which, more hereafter. Then came a motion for a vote of confidence in the ex-Ministers, modelled on the Ebrington motion of 1832; and then a two-days' debate upon it, full of further explanations of all sorts, all offered, by the way, in the absence, from an illness which confined him to his room, of the one Executive Councillor who had remained in office. The debate ended in an Address to Sir Charles, of a most happily ambiguous tenor, first in few words assuring him that the House thought his ex-Ministers quite right, and then, by a long-winded awkward disclaimer, indirectly censuring the course which everybody knew they had taken. Sir Charles made answer that he was sorry to find from the beginning of the Address that the House had been led into a total misconception of his views; repeated his declaration of what those views were, as opposed to what others had asserted them to be; and finished by entirely concurring with the House in the concluding part of its Address. More debating after the old fashion followed, and

a desperate scramble to save a little of the wrecked legislation of the Session. But Sir Charles warily keeps out of the trap laid for him by his late Ministers, and persists in not calling the Minority to take the Treasury Benches, and throw on him the odium of an anti-popular dissolution. In a fortnight from the resignation, the Treasury Bench still unfilled, the Session ends; Sir Charles telling the two Houses how entirely against his inclination had been the interruption of their labours, and hoping they should meet again to renew their efforts for the public good with more success. A new Executive Council is sworn in, of three Members, to serve till such time as the arrangements for a full and lasting Cabinet can be completed; Mr. D. B. Viger, one of the most popular and trusted of the French Canadian leaders, and Mr. Draper, the gentleman who a year before had resigned office to further the carrying out of the popular policy, taking office with Mr. Daly, the Provincial Secretary who had not gone out with his former colleagues. The questions in dispute have since been matter of discussion for the public. With what results, the next Session, or—failing that—the next Parliament, will show.

A striking feature of the ex-Councillors' explanations, and one about which there can be no mistake, consists in the marked stress which they laid on *bygone transactions*. In place of simply stating, as English ex-Ministers always do, the one or two pending matters which immediately occasioned the resignation, they opened up the whole course of Sir

Charles's past administration, charging upon him, in the vaguest manner imaginable, the general delinquency of having habitually acted in certain matters against or without their advice. Mr. La Fontaine's note to Sir Charles, stating to him the tenor of the explanations they were going to make, complains that a certain alleged difference between him and them 'has led not merely to appointments to office against their advice, but to appointments and proposals to make appointments, of which they were not informed in any manner, until all opportunity of offering advice respecting them had passed by'. Their speeches in the House abundantly made good the promise of this text. Past appointments and offers of appointments were talked of as fluently as though Sir Charles had dealt in nothing else ever since he came to Canada, and had been dealing in them all the time without ever deigning to take their advice about them. When pressed with the home question, why, after staying in office so long with such grave cause of complaint, they had at last resigned just when and as they did, there were allusions to a petty appointment or two of quite recent date, but no distinct statement of the exact circumstances of any particular case whatever. The general complaint was what they dwelt upon; the evidence that was to prove it, a mere general disclaimer on their part, of no one could tell how many of the acts for which, as Ministers of the Crown at the time and after it, they were themselves to all intents and purposes accountable to the country!

Particulars doubtless there were given, unsparingly enough, such as they were, about several of these past transactions; but it was in the heat of discussion that they came out,—in that partial, fragmentary style which marks *ex tempore* debate, and in the absence, besides, of any one able to speak to facts in behalf of the Governor, the party whom this procedure of theirs virtually put upon his trial. How easily, and how far from fairly, any case whatever so gone into is sure to be made out, no one can require to be told. Were it not matter of notoriety, one would scarcely believe it possible that public men who had borne Her Majesty's Commission as Provincial Privy Councillors, and who seem to have persuaded themselves and others that their only ambition was to be in Canada what Cabinet Ministers are in England, could ever have fallen into so prodigious a misconception of the first requirements of constitutional usage as between the Crown and its Ministers, and of common fair dealing as between man and man.

Great stress was laid, for example, upon the somewhat recent appointment of a Speaker of the Legislative Council. Lord Sydenham had named to this Office, Mr. Jameson, the Vice-Chancellor of Upper Canada; the Assembly, during the first session, desirous that the incumbent should be a person holding no other office of emolument under the Crown, had refused to attach a salary to the office, except upon that condition; and at the opening of the third session he was in consequence

serving without pay. As an Upper Canadian Member, Mr. Jameson took an active part against the Administration on the seat-of-Government question, and about a fortnight after the beginning of the session voted for an Address to the Crown, by which the Council, in the absence of most of its Lower Canadian Members, and before the House had approached the discussion of the subject, prayed that the seat of Government might be permanently fixed within Upper Canada. Directly after, he waited in person on Sir Charles Metcalfe to tender his resignation of the Speakership. But the fact was, that the Councillors from Upper Canada were so generally adverse to the Government on that question, that there was only one of those not in opposition, who could by any possibility have been placed in the Speaker's chair ; and that one gentleman was the Presiding Executive Councillor, Mr. Sullivan, a salaried officer of the Crown, *the one Member of the Cabinet who had a seat in the Upper House*. To have named him its Speaker would have been a most extraordinary step, to say the least. To have named an opposition Member would have been to make a resignation of the Cabinet next to inevitable. And to have named a Lower Canadian (the Speaker of the other House being from Lower Canada and of French origin) would have been to exasperate the sectional feelings that were at the time so strongly excited against the Cabinet as to be endangering its stability. Sir Charles, rightly enough impressed with a sense of the almost impos-

sibility of finding a new Speaker just at that juncture, appears to have at once told Mr. Jameson that his resignation could not be accepted, and that he must therefore continue to hold the office for some time longer. About three weeks after, the House of Assembly sustained the Government policy of removal to Montreal; and the Legislative Council (its Lower Canadian Members by that time present) was called upon to rescind its former vote by concurring in the Address to that effect. Mr. Jameson stated that in the event of its so doing, he could and would not retain his seat as Speaker. The majority, however, this time was against him; the minority protested and seceded; and the Speaker's chair, *coûte qu'il coûte*, had to be filled. In a day or two it was filled, by the appointment of Mr. Caron, a French Canadian gentleman, well qualified for the appointment, and a decided supporter of the Ministry.

It was nearly three weeks after this appointment had been made, that the communications took place between the resigning Ministers and Sir Charles, which led to their abandonment of office. Yet in Mr. Baldwin's explanations as offered in the House, and still more strongly in Mr. Sullivan's in the Council, Sir Charles's whole course in reference to it was inveighed against. He had not chosen to take their advice before refusing to let Mr. Jameson embarrass the Government by persisting in his first tender of resignation; and when afterwards the resignation was persisted in, he had still chosen to act without their counsel or knowledge in his offers

of the appointment to one and another of the Legislative Councillors. Again and again was this sweeping assertion echoed in different debates; till at last, in answer to some random hit of a speaker he was answering, another ex-Minister, Mr. Hincks, admitted that the Council *had* given Sir Charles their advice upon the subject, and had recommended the appointment of Mr. Sullivan—making it fresh matter of assertion and complaint as he did so, that Sir Charles surely must have been disclosing the secrets of the late Cabinet to their enemies! This over, a little more disclosure followed. Mr. La Fontaine felt called upon to state, what before neither he nor any of his colleagues had so much as hinted at, that directly after Mr. Jameson's resignation he had waited, in behalf of his colleagues, upon Sir Charles, and had made him acquainted with their views as to the relative eligibility of the several persons to whom the appointment might possibly be offered. The gentleman who accepted it was admitted to have been one of those whose nomination they had thus approved beforehand. The two or three gentlemen who were known to have declined the honour, were also of this number of the approved. But it was understood that a note had been addressed to a gentleman who was not of the number, desiring him to call on Sir Charles, of course, to receive the offer of the appointment. The note was not said to have been delivered; indeed, the story went that the Councillor addressed (one of the Upper Canadian minority) had left town before it was written. The

ex-Minister had not seen fit to resign at the time, either for this presumed *intention* on Sir Charles's part, (for, on their own showing, it went no further,) of acting in opposition to their counsel; or because, in offering the place to one and another Councillor whom they had recommended to him, he did not follow the order they would have wished, and therefore did not at last light upon the man they wished most; or because, three weeks previously, he had given Mr. Jameson a verbal answer without the formality of first asking them what the answer ought to be. When other circumstances afterwards led them to resign, what business had they with these transactions? Above all, what business had they to speak of them, as, on their own confession, they did, otherwise than truly? To this hour, Sir Charles has never had it in his power to give his version of the tale they have told so strangely.

Another illustration. As far back as the summer of 1842, before the formation of the La Fontaine-Baldwin Cabinet, Sir Charles Bagot is said to have been on the point of giving an office of considerable emolument to a gentleman who had been strongly recommended to him from England, and to have been deterred from doing so by the remonstrances of his then Executive Councillors, who wished that an appointment of a more popular character should be made. The place remained undisposed of till after the re-construction of the Cabinet; and Sir Charles Bagot's understood personal wishes in the matter were not acted on. Will it be believed, that on the

occasion of this resignation, more than a twelve-month afterwards, and under another Governor, a gentleman who had been of the Executive Council, both before and after the re-construction, Mr. Hincks, told the whole story in the House—of the letters sent to the late Governor by his friends in England, the way the disappointed applicant had come to get them, the intentions of the deceased Governor, and the successful opposition to them of his Councillors—with the significant addition, that the poor man had since received an appointment of profit from Sir Charles Metcalfe! Whether the appointment was conferred on him by the advice or merely with the consent of himself and his colleagues, he did not go on to say; nor yet did he add, that it was one of very trifling emolument, a mere nothing in comparison with that which Sir Charles Bagot had been on the point of giving him.[1]

[1] Note.—A pamphlet, well known to be Mr. Hincks's, written in answer to Mr. Viger's pamphlet in defence of his own course in taking office, gives Mr. Hincks's excuse, such as it is, for this terrible *faux pas*—in the words following:—

'The simple question is—had these statements anything to do with the subject under consideration? Now, one cause of the difference between the Governor and the Ex-Ministers was, that appointments had been made without or against the advice of the latter. This fact was undisputed. What possible objection then could be made to the furnishing of instances in which it had been done? Mr. Viger is entirely astray in his charge that one of the Ministry made disclosures with regard to what took place in Sir Charles Bagot's time. The case to which he refers, and which was simply an illustration of the manner in which strangers were fastened on the country by means of letters from English friends, was not given in any way on information obtained

One specimen more. A vacancy had occurred in the Collectorship of the Port of Toronto, nearly four

by the gentleman who alluded to it, as a Member of the Council, but on private information open to any other individual as well as to him.'—*Page* 12 *of* '*The Ministerial Crisis, Mr. D. B. Viger and his Position*'.

Open, he should have said, to any individual to whom either Sir Charles Bagot, or the gentleman in whose favour the letters were written, might have seen reason to communicate it in confidence ; for no one else could possibly have known it but through a breach of confidence on the part of some such person. An Ex-Minister of the Crown, to offer such a plea in justification of his having told on the floor of the House a tale of this sort—a tale which *he* must at any rate have heard in his late official capacity, whatever any one or two other persons might possibly have done,—of his having sought, by indirection, to fasten the odium of the transaction on a Governor who had, in fact, been less a party to it than he, the whilome Councillor of the deceased Governor, had been himself.

Having mentioned this pamphlet, it is impossible to help giving two more short extracts, to show the style of assertion of this ex-Cabinet Councillor. They are chosen simply as the shortest out of many that equally call for comment.

On the subject of Mr. Viger's statement of the rule as to Ministerial explanations, its words are :

' He [Mr. Viger] says, " ils peuvent obtenir de lui (the Governor) la permission de faire connaître aux Chambres Législatives les points sur lesquels leurs vues se sont trouvées différentes ". " They may obtain permission from him (the Governor) to make known to both Houses of the Legislature the points on which their views are found to be different." Mr. Viger goes on to add that they can give no explanations with regard to facts of public notoriety ; and refers to past history for examples. We shall have something more to say to Mr. Viger about " precedents ", but we deny altogether his position that the Ministers are precluded from giving such explanations as may be required for the public good.'—*Page* 7.

Mr. Viger in his pamphlet never added anything so nonsensical.

months before the resignation, and had been filled by the appointment of a Mr. Stanton, a gentleman who formerly held the commission of Queen's Printer for Upper Canada, and had been a heavy loser by the arrangements consequent upon the union; the Queen's printership for Canada having been conferred on other parties. As Mr. Stanton was understood not to be a political friend of the Executive Councillors, and the place (though its emoluments by no

The words immediately following Mr. Hincks's extract, and which he thus paraphrases instead of quoting or translating, are these—'ils ne peuvent AUTREMENT donner d'explications que sur des faits connus d'avance et d'une notoriété publique, comme l'histoire des quarante années dernières en fournit quelques examples.' —'They cannot OTHERWISE offer explanations unless as to facts known beforehand and of public notoriety, as the history of the last forty years shows.' The use of making Mr. Viger talk nonsense may readily be guessed. The pamphlets appeared in different languages, and the same people would not generally read both. But one does not look for this sort of political pettifogging in the known writings of a public man.

Again, speaking of a particular appointment to an office of trifling emolument, the Clerkship of the Peace for the Bathurst District in Upper Canada, one of the very few places lately given to a new-comer from England :—

'Acting on this principle, the judicial office of Clerk of the Peace was given to a stranger from Britain, utterly ignorant of its duties, in preference to a Canadian Lawyer of respectable character and talents ! ! ! Such is the Responsible Government of Messrs. Viger, Draper, and Daly.'

Of Messrs. Viger, Draper, and Daly ! The appointment having been made before those gentlemen constituted the Cabinet, when the writer and his colleagues were themselves in office, *and not having occasioned their resignation* ! One almost fears to state the fact, lest it should be thought a thing incredible. But so the fact is, notwithstanding.

means equalled his losses) was one of the best that had fallen vacant since they had held office, there had prevailed a general impression that the appointment must have been more Sir Charles's act than theirs. Early in the course of the debates on their resignation, Sir Allan MacNab threw it in their teeth —asking them how it was they had come to put up so long with the treatment they were then complaining of, and why, in particular, they had not resigned, as he maintained they ought, when Sir Charles required them to become parties to that special act. Another speaker or two said the same thing after him. The previous statements of the ex-Ministers had been more than general enough to cover it as one of the acts they were disclaiming; and for the sake of their popularity among their friends, it was well it should be understood to be disclaimed. So far, accordingly, as silence through the rest of a long debate could go, disclaimed it was. But on the next day, the question was put to them point-blank as to the share they had or had not taken in it; and when Mr. Hincks admitted that they had advised it, but accounted for their having done so by actually explaining to the House that they had been led to the step by their knowledge of Sir Charles's personal opinion as to the weight of Mr. Stanton's claims for past losses, and not by their own opinion either of those claims or of the peculiar propriety on any other ground of his appointment. They had, proposed it, and yet threw the weight of it all on him. Fancy an ex-Chancellor of the

Exchequer trying to get through such an answer across the floor of the House of Commons!

The measure of the injustice dealt out to Sir Charles Metcalfe in these debates may be inferred from these illustrations, but they can by no means tell it all. They are merely so many instances in which the Ministerial disclosures bore on their face the evidence of their own unfairness. Sir Charles has as yet had no opportunity of offering, through Ministers sitting in the House, his version of the whole case. When he has, more will probably be known. But even then, all is not likely to be brought out; and as to the effect on the public mind which has been produced by the *ex parte* pleadings of his late Ministers, there is no chance of its ever being entirely done away. Follow what may, there are many from whose minds nothing whatever can remove the fixed impression they were calculated to make, and in fact have made.

There was one act, and one only, of all that the ex-Ministers directly and indirectly called in question, which was of a character to justify them, according to English rule, in citing it as the cause of their resignation; that is to say, provided always they had cited nothing else of all they did cite. Sir Charles Metcalfe had determined on reserving for the expression of the Queen's pleasure the Secret Societies' Bill, a measure which had been brought into the Lower House and passed as a Government measure. Supposing, however, that instead of taking the course they did, they had made this act their

reason for resigning, and had adhered in so doing ever so closely to the constitutional rules of time and style, it would still have been no proper ground on which to rest a step of so grave an import.

What were the facts of the case? The Orange Institution had been in full operation in Upper Canada for a number of years, and had allied itself politically with the anti-popular party. The semi-suppression it met in Ireland in 1835 did not reach it in Upper Canada; Sir Francis Head and his Provincial Government not choosing to follow William the Fourth's example in regard to it. Since then, it had been frowned upon by the Executive, though to no great apparent purpose, as the number of its lodges was understood to be increasing, and it continued to be, from its organization, a political power of some importance. This importance, however, it owed more to the exaggerated apprehensions of those whom it assailed, than to any resources of its own; for, with all its organization, its adherents generally were far from being an influential class in the community, and leaders of mark they had none. Their name was a sort of synonym for violence and intimidation—a bug-bear to frighten electors and public meetings with; and in it their great strength lay. The mere votes they could give were quite a secondary matter. It was naturally part of the policy of the Upper Canada Liberals to endeavour to strike down this hostile and mischievous association; and three of their Government measures in the last session of the Canadian Legislature were framed with

this declared design. One of these was a Bill to provide for the orderly holding of public meetings, by which special and somewhat arbitrary powers were given, for the preservation of the public peace, to the Chairmen of any public meetings called with certain formalities. A second was a Bill of a similar character for the prevention of public processions. And the third was the Secret Societies' Bill itself. All were passed by the two Houses, the third with more opposition than the other two, more than one shrewd supporter of their general object maintaining that the two would be likely to do more to effect it than the three. Sir Charles Metcalfe was perfectly ready to give the Royal sanction to the first and second, but decided to reserve the third for the Queen's sanction or disallowance at home.

Mr. La Fontaine's note does not in so many words complain of this determination as involving a breach of faith on the part of the Governor-General, though it implies as much. The speeches in Parliament went further, and the newspaper articles of the ex-Ministerialist party have since gone further still. The charge of bad faith is unequivocally the charge preferred before the country. Here, such an accusation against the Sovereign would be unequivocally disclaimed ; and yet a Sovereign, acting in a similar manner, would in point of fact have laid himself far more open to it. A King must do one or other of two things with every Bill that is laid before him, must approve or else veto it ; and if he has agreed to let his Ministers bring in a Bill, they have a right

to take it for granted that when it shall have passed the two Houses, it will certainly receive his sanction. But a Governor is not in this position. Three courses are open to him—approval, the veto, or reservation; and this last course is positively enjoined on him by his general instructions in a variety of cases, and may be specially enjoined upon him in others. If he lets his Ministers introduce a measure, they have a right to understand that he neither means to veto, nor unnecessarily to reserve it. But there the parallel ceases. While a Bill is pending, he may receive orders from home to reserve it, and, in that case, he must obey them, let his Ministers say what they please. Or, again, his general instructions may require him to do so; in which case, as they can have no right to suppose that he has any idea of not obeying, they ought to understand from his permission to introduce the measure, nothing more than this—that he does not mean himself to veto it, that he will send it home as he is ordered, and will send with it their reasons in its favour.

That this was precisely Sir Charles Metcalfe's position in regard to this Bill, is undeniable. Every Governor's instructions require him to reserve all Bills which by law ought to be laid before the Imperial Parliament; and also '*every other Bill which you shall consider to be of an extraordinary or unusual nature*, or requiring our especial consideration and decision thereupon'. Now, what was the tenor of this Bill? It absolutely disqualified, not only for service on Juries, but for all office or employ-

ment 'of what nature or kind soever', under the Provincial Government, or under any of its officers, or under any Municipal or other corporate body within the Province, every person whatever who might be or should become a Member of, or 'in any way associate himself with', any Society however designated (the Masonic Association alone excepted) having any required or customary oath, declaration, or obligation, either of fidelity to the Society or its individual members,—or of obedience to its orders or those of any committee, officers, or other members of such Society,—or of secrecy as to any proceedings of the society, or of any committee, officers, or other members of it,—or having any secret signs or methods of communication between its members or officers, or any of them. It required of all persons holding any such office or employment at the time the act should become law, to file, on or before a given day, a written declaration in a prescribed form, setting forth that they were not members of any such society within the meaning of the Act, on pain of immediate loss of office in case of failure. It imposed the same test-declaration on all persons who should in future be elected or appointed to any such office or employment. Certain public officers were to take and record these declarations, and their registers of them were to be open to public inspection. For any and every act of office that might be done by any person who should have neglected to comply with the act, there was imposed a fine of five, twenty-five, or a hundred pounds, according to

the nature of his office or employment; recoverable within six months by any private suitor, or within twelve at the suit of the Crown. For any false declaration, there was fine and imprisonment 'at the discretion of the Court'. And any licensed tavern-keeper or other seller of beer or spirituous liquor, allowing any meeting of any such Society or Committee, 'or select portion of such Society', anywhere about his premises, was to forfeit his license, and be rendered incapable of taking out another for twelve months after, upon summary conviction before two or more Justices of the Peace. Was not such a Bill 'an extraordinary and unusual' one? On what Statute-Book, Provincial or Imperial, is there anything like it to be found? If the Royal Instructions did not apply to it, to what description of Bill could they apply?

But they mean nothing at all, says a high Canadian authority—no other than Mr. Ex-Attorney-General Baldwin; not, indeed, (so far as the world knows,) in any official report, nor yet from his place in the House, but in a set speech at a public dinner given to himself and his resigning colleagues at Toronto, on the 28th of last December. To avoid all suspicion of inaccuracy, I quote the words of the report given by authority in the *Examiner*, the newspaper *par excellence* of his party:—

'It was true, it was said that the Royal Instructions required the reservation of the Bill in question. In his opinion, the Royal Instructions required nothing of the kind. From the manner in which these instructions were spoken of in

the document referred to, one might be led to suppose they were some new and special instructions growing out of the present real or supposed state of public affairs, but it was no such thing. They were the same old stereotyped instructions which had been on record in the Colonial Office for generations, which had been framed with a view to an entirely different state of things from that which now existed, and a copy of which had been enclosed in the same envelope with every Governor-General, [so stand the words in the report,] he was going to say from time immemorial, but certainly for at least upwards of a century or more ; and yet these instructions were not deemed to require the reservation either of the 44th Geo. 3, (the Act under which Mr. Gourlay was banished,) nor the more recent Acts for attainting people of treason, and depriving them of their legal remedies for wrongs done them under colour of authority, which were certainly as deserving of the designation "unusual and extraordinary", as the Bill to which he referred. In fact, colonial history would show that these same Royal Instructions had seldom been invoked, except for the purpose of defeating or delaying measures earnestly desired by the great body of the people ; and how far the present application of them was entitled to be otherwise considered, might be judged of by what he had said of the manner in which the measure had been dealt with by the representatives of the people.'—*Speech of the Hon. Robert Baldwin, from the Toronto Examiner of the* 3*rd January*, 1844.

Strange language, truly, to come from a gentleman who has three several times served as an Executive Councillor, and twice borne her Majesty's Commission as a Law-Officer of the Crown ![1] The Statute-

[1] Not the strangest, though, that can be quoted. The following is from a later speech by the same gentleman, and the words are those of the report given in the same paper :—

'A hope appears to be entertained that by a constant repetition of the assertion [of the Governor-General's concurrence in

Book of Upper Canada has been disgraced by more than one blot which never would have been upon it,

the Responsible-Government Resolutions of 1841] in the shape of answers to addresses, the people of Canada have so little of intelligence and so crude a notion of their rights, that they will at last be persuaded to believe it. (Hear.) He (Mr. Baldwin) doubted not that the Head of the Government had practised Responsible Government, as the Governor-General was pleased to interpret it,—and of course, being in his estimation a '*yet undefined question*', we cannot wonder if in preparing a definition for his own particular convenience, he left a large margin for the benefit of that Constitution which favoured the exercise of a practically irresponsible and despotic power. But he (Mr. Baldwin) felt convinced that the people of this country were not such a set of children as to be satisfied with a mere bauble because it was called "*Responsible Government*"—they had been contending for a substance, not for a shadow. And the question for the country to decide was, whether they were in effect to go back to the old system under the new name, or whether they were to have Responsible Government in reality, as practically acted upon in the Mother-Country. (Loud Cheers.) "A rose," it was said, "by any other name would smell as sweet," and he would venture to say that the poppy would be equally disagreeable to the sense, and equally deleterious in its effect, though dignified with the name of the Queen of flowers. (Enthusiastic cheering.) If they were to have the old system, let them have it under its new name—"the Irresponsible System", "the Compact System", or any other adapted to its hideous deformities; but let us not be imposed upon by a mere name. We were adjured with reference to this new-fangled Responsible Government, in a style and manner borrowed with no small degree of care from that eccentric Baronet who once represented the Sovereign in this part of her Majesty's Dominions, (Sir F. B. Head,) to "keep it", "cling to it", and not to "throw it away!!" [Words quoted from Sir Charles Metcalfe's reply to the address of the Warden and Councillors of the Gore District.] (Hear, hear.) They all, no doubt, remembered the story of the little Red Ridinghood, and the poor child's astonishment and

in all probability, had these Royal Instructions not been set at naught by his official predecessors. And

alarm, as she began to trace the features of the wolf instead of those of her venerable grandmother; and let the people of Canada beware, lest when they begin to trace the real outlines of this new-fangled Responsible Government, and are calling out, in the simplicity of their hearts, Oh, grandmother, what great big eyes you have! Oh, grandmother, what a great big nose you have! it may not, as in the case of poor little Red Ridinghood, be too late, and the reply to the exclamation, Oh, grandmother, what a great big mouth you have! be, "that 's to gobble you up the better, my child". (Cheers and much laughter.)'—*Speech of the Hon. R. Baldwin, at the General Meeting of the Reform Association of Canada, held at Toronto on the 25th of March*, 1844; *from the Examiner of the 10th of April.*

What if the *Morning Chronicle* were some fine day to give us a laugh over a like piece of eloquence from some last great speech of 'plain John Campbell' to some great non-dining assemblage of the laughing lieges of Auld Reekie!

Everybody remembers with what indignation Mr. O'Connell felt it incumbent on him to disavow all thought of reference to the Queen, when he the other day travestied part of a Queen's speech. Yet here is a gentleman who, unlike Mr. O'Connell, has been an Attorney-General and Cabinet Minister, who professes all imaginable zeal for the closest possible assimilation of Canadian to British usages, and nevertheless talks in public speeches of Governors and their instructions as sent out 'in the same envelope'; accuses the Representative of the Crown whose Minister he has been, of personally aiming at 'irresponsible and despotic power', and trying to impose upon the people by false professions; and, for a laugh's sake, soberly lends him the likeness of our old nursery friend Grandmamma Wolf.

All who know Mr. Baldwin speak of him as in private life a person of amiable character, an honourable man, and a gentleman. The habits of anti-Governor warfare, for which the old colonial system has to answer, must be inveterate indeed, to have misled such a man into hostilities of this sort against a Governor like Sir Charles Metcalfe!

he is entitled, therefore, to make their example his rule; to regard the Royal Instructions as revoked by the fact of their occasional disregard of them. One is led to wonder how far, as a lawyer, he would be prepared to carry out this doctrine of tacit revocation. The same Instructions require a Governor to *refuse* his assent in certain cases. Is he bound to obey them in this respect? Or how many instances of past disobedience—his own, or his predecessors'—would suffice to warrant him in considering that order also as thereby revoked?

But, say the ex-Ministers, the Governor did not let us know his intentions soon enough. We were allowed to carry the Bill through both Houses, and only learned his determination afterwards, when it was too late for us to intimate it to our friends without discrediting our own sincerity. We should have had the opportunity of stating, while the Bill was under discussion, that it probably would be reserved. And had not they? The tenor of the Royal Instructions was as well known to them as to Sir Charles; and it was as much their business to tell him that he ought to reserve the Bill, as his to tell them that he meant to do so. From their style of complaint one might suppose, that, till the last moment, they were left in real ignorance of Sir Charles's views about the Bill. *But the fact is not so.* It is only one more specimen of the special-pleading style of their explanations.[1] Sir Charles's note of

[1] NOTE.—It is a little singular that the inconsistency of this part of their statement with another, of which I shall have to

protest in answer to Mr. La Fontaine's *précis* of their intended statement, emphatically declares the fact that his consent went only to the sanction of 'Legislation on the subject, as a substitute for Executive measures which he refused to adopt on account of their proscriptive character'; and further, that he had told them plainly he regarded their Bill as 'an arbitrary and unwise measure, and not even calculated to effect the object it had in view'. There was no saying how the Bill might be amended before it should be brought up for the Royal assent; and it would therefore have been rather out of place for him to say, when its form was not yet finally determined, what he would do with it in case it should be. Knowing all they did, if they supposed it was going to be sanctioned, without previous reservation, in the shape in which they succeeded in carrying it through the two Houses, they must not only have held Mr. Baldwin's monstrous doctrine of the virtual revocation of the Instructions, but must have taken it for granted that Sir Charles had not the honesty

say more hereafter, seems never to occur to them. With one breath they represent the reservation of this Bill as having taken them by surprise, and in the next they describe Sir Charles's whole policy as one of settled 'antagonism' to their views. Their principal newspaper, the *Montreal Pilot*, edited by one of themselves (Mr. Hincks) rings the changes on Sir Charles Metcalfe and Orangeism, to the very point of making the encouragement of the Orange Institution seem the great object of Sir Charles's government. Where Sir Charles is known, such nonsense can only raise a smile; where he is not, it may well enough for a time answer the end it is meant to serve. But no one can envy those who resort to it their choice of means.

and courage to venture on holding out against it. He may well be pardoned if he did not beforehand suspect them of either the one notion or the other.

Other and (if possible) yet graver objections to the tenor of these explanations remain still to be stated. All this train of unwarrantable half-disclosures was gone into to prove a general proposition which they laid down as the ground of their resignation. In the words of Mr. La Fontaine's note, this proposition was neither more nor less than this—'That his Excellency took a widely different view of the position, duties, and responsibilities of the Executive Council, from that under which they accepted office, and through which they had been enabled to conduct the Parliamentary business of the government, sustained by a large majority of the popular branch of the Legislature'; that is to say, that his Excellency was irreconcileably at variance with them and the country, as to the principle of Responsible or (to use another word) Constitutional Government! All they said about appointments and the Secret Societies' Bill, was said to establish two points; the one, that this opposition of views existed; the other, that it made their continuance in office impossible. They went even further than to cite this sort of evidence. They declared, that on their lately remonstrating with him on this condition of public affairs, 'his Excellency not only frankly explained the difference of opinion existing between him and the Council, but stated that from the time of his arrival in the country, he had observed an antagonism between

him and them on the subject'. So says Mr. La Fontaine's note. Now, let his Excellency have explained or stated what he may, all passed in the confidence of the Executive Council Room, by word of mouth, and in the course of an argumentative discussion that is known to have lasted several hours,—no fewer than eleven persons taking part in it, nine against two, and no one's words taken down to ensure their being faithfully reported. A Governor's opinions proved in this style! Were but the like experiment ever tried by any ex-frequenter of the model Council Board where the Queen's most excellent Majesty presides in person, people would know what to say of it.

Out of Canada, one scarcely knows how to state the fact, all notorious as it is, that at the time Mr. Baldwin announced to the House all this, and more to the same effect, he had in his pocket Sir Charles Metcalfe's written answer to Mr. La Fontaine's note, in which he complained, that the proposed statement omitted all mention of the transaction, which he regarded as that upon which the resignation really took place,—the demand, namely, which Messrs. La Fontaine and Baldwin had made upon him the Friday previous, 'that he should agree to make no appointment, and no offer of an appointment, without previously taking the advice of the Council; that the list of candidates should in every instance be laid before the Council; that they should recommend any others at discretion, and that the Governor-General in deciding should not make

any appointment prejudicial to their influence',—the fact, that this demand was accompanied by an intimation that in case of its not being complied with, their Colleagues who agreed with them, and themselves, would immediately resign; that the subject was discussed at great length in Council the next day; and that their resignation the day after was the direct consequence of his persisting in his refusal to tie his hands by any such engagement. Yet thus it was; and this reply said more, too. It declared positively, that so far from holding the opinions about to be ascribed to him, he 'subscribed entirely to the resolutions of the Legislative Assembly of the 3rd of September, 1841', and considered any other system of Government impracticable; it showed the necessity under which he was acting in the matter of the Secret Societies' Bill; and ended by protesting in terms against the proposed explanations, 'as omitting entirely the actual and prominent circumstances of their resignation, and as conveying to Parliament a misapprehension of his sentiments and intentions, which had no foundation in any part of his conduct'. In the face of all this, did Mr. Baldwin give the House the whole of the explanations thus protested against, saying no word of the existence of the protest, letting fall no hint of the possibility of the Governor's not admitting their literal correctness,—nay, indignantly asserting, when the question was put to him, that he had his entire permission to make them![1] Sir Charles, it would

[1] Mr. Baldwin's answer to Mr. Viger's question on this point

appear, had been asked verbally for the usual permission to explain. What the words of his answer were, no one has stated, but it is certain he required to be put in possession of a written outline of the explanations contemplated; a fact not easily reconcileable with an intention on his part that his words should be understood as an unconditional leave to his ex-Ministers to say anything they might choose. Against Mr. La Fontaine's note, when he saw it, he certainly protested in strong terms, and in writing. But it never seems to have occurred to the gentlemen that that mattered anything. They ask no question, offer no reply, take no step to come to a decent understanding with the Head of the Government, as to the matters of fact at issue; but forthwith say precisely what he has objected to their saying, and maintain that he gave them leave.

Is it said, as possibly it may be, that the fact of such gross blunders having been fallen into is a proof that Responsible Government for Colonies is impracticable? To what cause, let me repeat, are they to be set down? Not to the fact that in Canada, Responsible Government has been lately conceded,

is reported in a Canadian Pamphlet ('Responsible Government for Canada'), the work, evidently, of one who was a witness of the scene, and the statements of which seem to have met no contradiction, in the following words:—'I have; and if I had been refused it, I would have come down to this House, would have stated at once the fact, and would have fearlessly called upon the House to believe of myself and my colleagues everything good and nothing evil.' 'British precedent again!' adds the writer; and no wonder.

but to the fact that it had been before so long withheld. Certain Canadian public men, we find, have been too thoroughly trained by the long prevalence of the old system, into habits of thought and feeling at variance with the new, to be able all at once to throw them off. Give them time, then ; the Responsible-Government principle is not to be condemned for not having wrought a miracle.

The disadvantages with which the system has had to contend in Canada have, in truth, been most peculiar. The trial of it was not begun till after the old system had led to civil war, and an entire suspension of free government. When at length it was tried, the first experimenter, Lord Sydenham, introduced it so partially, that his successor, with little or no semblance of free will, had to undo no small proportion of all that he had done ; and the *bona fide* carrying out of the principle was thus made to look much more like a popular triumph, than a willing concession. Add to this the fact, that on Lord Sydenham's death, the Executive Councillors, to whom he had allowed so small a share of political power, found themselves suddenly in possession of the whole power of the Executive ; that for several months they had only to deal with an Administrator of the Government, who, as a military man in the *ad interim* discharge of a duty not properly his own, was of course well pleased to incur as little responsibility as possible, and therefore did everything exactly when and as they advised him ; that Sir Charles Bagot, a diplomatist who had been for some

years retired from the fatigues of public life, was still new alike to the duties of Governorship, and to the affairs of Canada, when the great re-construction took effect; that almost from that time, with an Executive Council naturally rather more disposed than before to regard *itself* as 'the Government', he was a martyr to an illness so distressing, that for months he was scarcely able to sign the papers which absolutely required his signature, and quite unable to bear the fatigue of reading them; it will readily be perceived in how difficult a position Sir Charles Metcalfe must have found himself placed, on his entering upon his duties as Governor-General. A hard-working man of business all his life, and a veteran Governor withal, it was impossible he could think of not personally attending to the duties of his high office, of signing papers blindfold, without knowing what was in them, or saying for ever yes, without first understanding why. No Councillors ought to have mistaken this for an evidence of distrust; but men in their position are apt to make that kind of mistake, and it is certain that some of them did. Confidence is not, the instant suspicion is suspected. Had the Canadian Councillors, indeed, been what their after course shows they were not, clear-headed, cool, far-seeing politicians, they would soon have put everything right, by meeting what they must then have seen was not mistrust, with a courteous frankness that could not have failed to win for them the entire confidence of the honest, sensible man they had to deal with. But unfortunately, it was not so

to be. Sir Charles Metcalfe was clearly made to feel, at a very early stage of his administration, that he was not regarded by them with confidence; and the 'antagonism', about which so much has since been said, soon became an established fact. People in Canada have not yet unlearned the old fashion of besieging Governors and their Private Secretaries with applications that ought rather to pass through the Secretary of the Province, or some other Provincial Officer of the Government. No Governor can prevent this, let him wish it ever so. Those who think the Ministers unfriendly to themselves, will try the experiment of applying to Government-House direct; and a large proportion of such applicants will make it part of their business to complain that they have received, or expect to receive, injustice at their hands. Sometimes a Governor may be pardonably indisposed to hand over these communications, in the usual course, to the Minister or Ministers whom they may concern, from the feeling that to do so would merely be to damage a perhaps well-meaning though indiscreet man. But whether he takes this course or not, it will be impossible for him, if he be a man of business, to help looking closely to the dispositions that are afterwards made in regard to the particular matters to which such communications may have related. In most cases, they are likely to have more or less reference to the exercise of patronage; and on this subject, the Canadian ex-Ministers had a fancy for talking rather indiscreetly. All Ministers take sufficient care of

their political supporters; but these gentlemen were fond of everywhere announcing this preference of party friends as their settled principle of action, and so gave an air of probability to every charge that could possibly be trumped up against them on this account. What but 'antagonism' on the subject of patronage could grow out of such a state of things, between a man like Sir Charles Metcalfe and themselves?

I am far, however, from believing their account of the state of things in this respect to be the fair one. They never could have remained so long in office, had it been his *practice* to make appointments, and offers of appointments, not merely against their advice, but even without their knowledge. Their mode of dealing with special facts, we have seen, is infinitely too suspicious to warrant one in believing, on such poor evidence, anything so incredible. In fact, as to the *making* of appointments, it was absolutely impossible for him to act unknown to them, except in reference to some dozen petty employments, the official nomination to which happens to have been left to pass through the hands of the Civil or Private Secretary. The Provincial Secretary, an Executive Councillor, is the officer who has the charge of the engrossing, sealing, and countersigning of all Commissions whatever; and an Attorney-General, another Councillor, either drafts the Instrument, or countersigns it with the Secretary. Appointments not made by Commission, with the very few exceptions already noticed, take effect by an official letter

of some Executive Councillor, generally the Provincial Secretary. As regards *offers* of appointment, the custom has been for the Governor to act personally in cases of high trust, such for instance, as an Executive Councillorship, or as the Speakership of the Legislative Council. But in other cases, it is always the Secretary of the Province, or other Executive Councillor within whose Department the appointment lies, who has to make the official offer. The Governor is under no formally-admitted obligation to consult all his Councillors about all appointments; but he is under the practical necessity, more than ninety-nine times out of the hundred, of acting through some one or more of them; and they, therefore, can make sure of knowing what he is about, in time to be able to remonstrate, if they see fit so to do, before the act is done. Their position in this respect is as nearly as possible that which English Ministers of the Crown are perfectly content to occupy. The demand they made upon Sir Charles for an assurance beforehand, that he would always consult them collectively before making any appointment, or offer of appointment, great or small, and that, after thus consulting them, he never would appoint, or offer to appoint, any one whose nomination might prejudice their interests,—or in other words, who might not be of their party,—apart from its being unconstitutional, was neither more nor less than an impracticable absurdity. Their *rôle* as Ministers was to secure good appointments, and prevent bad, if they could, by the tender from time

to time of their advice and counsel; or failing that means, to resign upon some adequate occasion of a refusal on the Governor's part to defer to their advice.

That Sir Charles's 'antagonism' was not what they represented it, a feeling of hostility on his part to the principle of Responsible Government, or even to the general policy of their legislative or other measures, is tolerably clear, independent of his own repeated declarations, from two facts; the first, that to the day of the resignation, he had taken no step which even their ingenuity has been able to point out, indicative of a disposition on his part to call to his counsels Anti-Responsible-Government men, or even any other men than themselves; the second, that when they resigned on a ground that left him no sort of option about accepting their resignations, he still called on none but known Responsible-Government men to take their places. His present Councillors adhere unequivocally to the principle. For some six months he has carried on the government with an incomplete Council, and hardly any but acting Heads of Departments. And yet, not one offer of one of the vacant places to any but Responsible-Government men has been laid to his charge.

There was an antagonism of personal feeling, and it had doubtless led to some collisions. Sir Charles had not acted readily on all their suggestions, and they had not been wise enough to take his in good part. Some few appointments which they had wished, he had perhaps refused to make; and some few others that they did not like, he had probably

insisted on. Possibly, he may have once or twice directed that his own view should be acted upon, without first hearing what theirs was; but if so, they had thought it their best course to give way at the time, and had thereby barred their own right to complain afterwards. In the matter of the Secret Societies' Bill they had, as they thought, borne down his remonstrances; had brought in and carried through their measure, confident that he would not dare act on his own sense of right, in the face of their majority; and did not find out their error till it was too late for them easily to repair it, for in their confidence they had not thought of intimating the possibility of a reservation for the Royal sanction, when alone the intimation might have been given without damaging them. There may have been some other embarrassments springing from the same general source, of which none but the few behind the scenes as yet know anything. And there were unquestionably some of another kind, that went to aggravate them. The business of the session was in a most unsatisfactory state; more work had been undertaken than could possibly be got through with; one question was immediately pending, on which many of the best informed observers were confident they must have yielded ground, or met a defeat that would have been most mortifying, though of itself probably not fatal; a quorum of the Upper House could hardly be kept together, and every one was feeling that the fate of a session, which had need last two months or more, hung by a thread, almost

from day to day. It is pretty well known, too, that some of their least discreet supporters (from Upper Canada, principally) had been galling them more or less with distrustful reproaches, for not carrying out more thoroughly the patronage-views of the *extrême gauche*. The measures of the session, if carried, were to create a great amount of patronage; and they were threateningly told, that this at all events *must* be dispensed in a manner to meet the views of that section of their friends. Irritated and pressed upon from these different quarters, exaggerating no doubt, in consequence, in their own minds the character of the antagonism that seemed most of all to thwart their wishes, and not yet familiar, from Constitutional practice, either with the necessary embarrassments or with the true resources of their position, they made a dead set for the attainment of the full powers they had enjoyed under the dying Sir Charles Bagot; trusting, probably, that Sir Charles Metcalfe would not stand out against their threat of resignation, or that, if he should, they could soon force themselves back on him with renewed popularity, and on their own terms, or else drive him home to make way for a new Governor who should be as yielding as they could desire.

They mistook their man, and still more their ground of quarrel. Sir Charles had no course but to meet their demand with a steady negative; for the practical abdication it invited from him, to a strong mind and high heart could be no alternative at all. When they tendered their resignation, his coolness

and courage were equal to taking them at their word. Committed to the struggle, they thought only of taking every lawyer-like advantage of position, and forgot all constitutional rule in their eagerness to identify the country with themselves, and hurry him and the country into the direct collision which was to bring about their desired triumph.

Of the many strange pretensions which the ingenuity of politicians at one time and another has managed to advance, not the least singular is the claim these ex-Ministers have insisted on urging, to the virtues of forbearance and moderation in all their proceedings. It is asserted that, but for these amiable qualities, they would have resigned much sooner, and not waited, as they maintain they did, till they could wait no longer. Far be it from me to say that Ministers of the Crown ought to resort to the *ultima ratio* of resignation on light occasions: so grave a step is not to be taken if it can be helped. But what sort of forbearance and moderation is it, that puts off the resignation merely that a longer string of counts may swell the indictment at last, when the day of resignation comes? Fair practice enough perhaps for a lawyer bent on securing an Old Bailey conviction; but the Crown and its Representatives are not prisoners in the dock, and ex-Ministers, of all men, may not treat them as if they were. They may wait their time, and resign when they see fit. Their right to choose the time, and the act or acts that make most for their cause, is unquestionable. But their forbearance and moderation are

not then to range at will over all time and all acts, in search of evidence on which they may beg a judgment from the country in their favour, and against the Crown.

I repeat, then, that the anomalous state of things to which this unhappy blundering has led in Canada, is in no way a consequence of the concession of Responsible Government. On the contrary, the fact that Responsible Government has been conceded, is at this moment the one rational ground of hope for an eventual favourable issue of the controversy. The ex-Ministers' cry has been, that the concession is not yet a reality; and were this the fact, resistance to them, so far as Colonial public opinion goes, would be hopeless. But as the case is, it is far otherwise. The ground they stand upon trembles under them. When their resignation was announced, the majority of their Parliamentary friends made little secret of regretting it as a false step. The whole movement of the House upon the matter was one of singular reluctance. With all the bold assertions that were hazarded to prejudice the House against the Governor, all the shade thrown over the demanded pledge, and all the appeals freely made to personal and party feelings, it was up-hill work to muster the majority of two to one for the vote of confidence in the ex-Ministers; and the vote was bought at the price of their consent to a second clause, expressly disavowing the notion of any such demand as it was notorious they had just preferred and backed by the tender of their resignations. A complete Cabinet has

not yet been formed; but the three gentlemen who form the present provisional Council, men long ago committed to the Responsible-Government principle, and to a liberal, popular policy of administration, avow themselves accountable Provincial Ministers, and are so avowed by Sir Charles Metcalfe. Those of the ex-Ministers who have been appearing in public since Parliament was prorogued, and the more active of their supporters, have latterly been more violent in their language than they were at first; unaware, one would think, of the universal rule, that what party-leaders gain by this course in one way, they more than lose in another,—that, however violence may please the zealous friends of whose support they are sure at all events, it must estrange from them the class of friends they are less sure of, and should therefore take most pains to keep. In Upper Canada, were it not for some counter-indiscretions, of a like character, of the party calling itself 'Conservative', the operation of this one cause would make their defeat at the next general election certain; and, as it is, it makes it probable. In Lower Canada, the French-Canadian party sees its most trusted leaders at variance, Viger, the Governor's chief adviser, La Fontaine and Morin, ex-Ministers. And, much as its old habits tend to throw it into support of the latter, nothing has yet appeared to show that they will succeed in doing so.[1] Leaders and led, the

[1] The Montreal City Election, to the seeming contrary notwithstanding. The ex-Ministers' Candidate, Mr. Drummond, was proclaimed elected, but how? The Constituency numbers

French-Canadian race are essentially a monarchical, innovation-dreading people. The appeal to their habitual distrust is for the time a formidable weapon; but, met by the defence of a careful avoidance of the

4,000 votes, and more; some say 5,000. And at the close of the time allowed by law, the poll stood 1,383 to 463, more than half the votes unpolled. His friends claim for him 984 French votes; the number of voters of the French race being as many as 2,000, and most likely more. It is known, too, that all the first day, the polls were so disgracefully blockaded by Irish canal-labourers in the Drummond interest, that it was next to impossible for Molson men to get up to vote, and that at the opening of the poll on the second day, Molson withdrew in consequence, under protest, and took away his agents from the polling booths; so that all that day there was no show of objection to anybody who came to offer a Drummond vote, and of course scarcely any polling but for Drummond. Of his 1,383 votes, 960 were thus tendered—how many of them good and how many bad, the skilled in elections may be left to guess.

But Molson polled hardly any French votes. What then? There was nothing to hinder French voters from coming up against him, but everything to deter any from showing their faces in his favour. Of all the nuisances in the world, a French-Canadian perhaps shrinks most from that of collision with an Irish mob. Most of the French-Canadians siding with Mr. Viger, it was well known, were not likely to have voted for Molson, owing to gross mismanagement on the part of some of his active electioneers. But a very fair number of them had promised him their votes. The unscrupulous tactic of the anti-Viger party succeeded in making it impossible for them to redeem their promise; on purpose that it might look as though there was no Viger party at all. In this they have overshot their mark, and proved (if anything) too much. But they have *not* by any means succeeded in proving that they had themselves the support of half the French population even of the City of Montreal; where it is well known there has always been more of the excitable, anti-Government feeling than is to be found anywhere else in the whole Province.

old policy that gave rise to the feeling, it must by degrees lose its efficacy. Indeed, it has lost much of it already. The course for the Government to adhere to is that which Sir Charles and his advisers have entered on; the persevering offer of Responsible Government on the nearest possible approach to English practice, the determined refusal of anything beyond. Suppose the Parliament dissolved, either after trying another session, and finding the present House in the humour to insist on the return *en bloc* of the late men to power, or without first calling it together at all; the new House, however many of the old Members may have seats in it, will come together a Body uncompromised by the indiscretions of the past, and the question will be put anew, whether or not Canada has public men reasonable enough not to quarrel for shadowy impossibilities. Should the new House, on its meeting, and the country, by its after-expression of opinion, show that it has not, the collision will have taken place, which must end in the alternative of government by the Mother-Country, till such time as the Province shall have learned wisdom, or of separation before that time shall come. The Imperial Authority has no other to fall back upon. Will the Canadians in cool blood persist in driving it to make the choice? Not yet believing them all beside themselves, I am slow to think they can. There is passion enough, and misconception enough, to make the case one of serious import; to call for all the temper, and at the same time for all the plain-spoken decision, that the

Home Government can oppose to it. But, so treated, there is no reason yet for presuming the case hopeless. Facts as little prove the charge of deliberate disloyalty of intention against any political party, or any number of leading men in Canada, as the fact that the charge is harped upon as it is, proves the statesmanship and good sense of those who are fondest of dealing in it.

But it is time to pass to the consideration of the results of the principle of Responsible Government in another point of view, the only one remaining to be taken to establish its correctness and sufficiency. I have shown, I trust, that if any thing will succeed in placing the government of our Colonies on a satisfactory footing as regards the administration of their internal affairs, it is the thorough fearless adoption of this principle. It remains to show that it promises to maintain the relations of the Empire and the Colonies on a footing equally satisfactory. On this point, after the explanations already given incidentally, it will not be necessary to dwell at any great length.

One consequence of the adoption of the system seems not to have been yet very clearly perceived—at any rate, it has not, that I am aware of, been very clearly stated—either here or in the Colonies. It is this. The Governor of a Colony once placed in his true constitutional position, as Representative, to his Province, of the Crown and Empire; and surrounded accordingly by Provincial, as the Crown here is by Imperial, Ministers; it follows necessarily

that he ought to be trusted by the Crown and Empire as the *sole* Representative of their authority, at least so far as Civil affairs are in the case. Between the Civil and Military business of a Colonial Government, the distinction is so obvious and marked, that there is no necessity for a Civil Governor's having immediate command of the Forces, or for their Commander's having to correspond with his official superiors only through the Governor's intervention. Indeed, such a regulation would merely embarrass all parties to no purpose. But even as regards Military affairs, in Colonies where the Governor is not a Military man, and where therefore the troops are under the direct control of another Commander than himself, it should be distinctly understood by all parties that his is within the Colony the higher authority of the two; that it is his right (if he see occasion) to direct, and the duty of the Military Commander to obey, subject always to after-appeal to the decision of the authority that commissions both. A Civil Governor would very seldom have occasion to interfere, in point of fact. What is wanted is merely that he should be placed by the Crown as nearly as possible in its own position of recognized supremacy within the Province. It is an object to dispose the Colonists readily to extend to him, as the delegate of the Sovereign, the immunities and respect which all accord to the Sovereign himself. And to this end, the authority of no other servant of the Crown whatever ought to be placed before them as in any sense a concurrent authority

with his. Military Commanding Officers, however, provided there is this distinct understanding that they are to obey his orders if he gives any, may well enough correspond direct with the Horse-Guards, Ordnance, and Treasury.

But what is to be said of the practice, not yet done away with, of suffering some of the Civil Officers of a Province to stand in the position of semi-independence so degrading to the authority of the Governor, which the right of direct correspondence with the authorities at home gives them? *If*, for instance, to secure the great imperial object of uniformity in Post Office arrangements, it be necessary to vest the appointment of Colonial Deputy Post-Masters General or Post Office Surveyors in the authorities of St. Martin's Le Grand, so be it; but not otherwise, for unless for some such end, the principle of Responsible Government requires the vesting of Provincial patronage in the Provincial Crown, so to speak, not in the Imperial. It *is* necessary, no doubt, to that unity of action of the Department which it is a proper object of Imperial policy to maintain, that the general authority for Post Office proceedings in a Colony should originate in Imperial legislation, that Deputy Post-Masters General should receive their orders from, and that their acts should be reported to, my Lord the Post Master General. But why not through the intervention of the Governor? What Department of a Provincial Government involves a greater number of details of purely Provincial administration, for which his advisers ought

to be responsible to the Province? The people of one part of a Township want a village Post Office here; those of another corner want it there: a Deputy Post Master General may put it in a third place, or perhaps say that the Post Office of the adjoining Township will do very well, and put it nowhere. A village Post Master is disliked, charged with incivility or neglect of duty, suspected perhaps of mal-practices as regards the secrecy of the correspondence that passes through his hands; the Deputy Post Master General, rightly perhaps, keeps him in his place. The people who think themselves in any such case aggrieved address the Governor; but the head of the Post Office acts under orders from home of which the Governor knows nothing. His answer to the Provincial Government, if it takes up the matter, is likely enough to be, that he has reported the case home, and got my Lord's approval of his decision, or that he is waiting my Lord's confirmation or reversal of it, or that he will immediately submit the question for my Lord to determine how far his instructions admit of this or that decision being come to. This is no position for the Governor of a Province, nor yet for his Provincial advisers. The people look to them to make the administration of their local affairs satisfactory. How can the General Post Office, thousands of miles off, keep an eye to details of this sort, to such purpose as to prevent its Officer from making mistakes calculated (perhaps without a shadow of blame on his part) to render the Department most unpopular?

Nay, must not its uninformed interference, if active and extending to details, often lead him into mistakes which he would not otherwise think of making? The Secretary of the Post Office, or some one for him, takes a notion into his head, and makes it a rule of action in some class of cases. The Deputy Post-Master General may feel that it is wrong; but it comes to him from his official Chief, and how is he to get it set aside? Make such rules pass through the Governor, and the Colonial view of things may be represented as it ought to be; but never otherwise.[1]

[1] A well-known illustration of this truth, and one in which the principle involved was of the last importance, may be taken from a date not very remote, the time of the introduction of the Steam Ship mail communications with British North America. The General Post Office, for some fancied convenience of its Accountant Branch, laid down the rule that all letters passing either way must be prepaid to Halifax and should not be prepayable beyond. So that upon every letter both the sender and the receiver were to be required to make a money payment. To have enforced such a rule would have been to deprive the Colonists, in particular, of half the advantages the new system held out to them; for there is nothing that new settlers (the class most of all dependent on old-country letters) find so embarrassing as these money payments. The percentage of letters which the rule must have stopped both ways, would have been enormous.—The first orders given on the subject had been vague, and the Deputy Post-Master General for Canada had put a common-sense interpretation on them, by announcing that prepayment might be made for the whole postage, and need not be made for any. This announcement he was ordered to revoke; and he must have done so, but for the lucky accident that Lord Sydenham, the then Governor, was a man of interference, who did not mind stretching a point when he saw fit. Thanks to his energetic way of taking up the matter, the Provincial view for once prevailed; but the point was not gained easily even by

The Post Office Department is not the only branch of the Civil Service that is at present in this anomalous position. The collection of the Customs, at least at such ports as have been directly recognized or erected by Imperial authority, and for such duties as rest on Imperial enactment, is effected under the authority of the Commissioners of Customs; and their Collectors receive their orders and make their reports direct. But in many Colonies there are Ports of entry besides, which rest on Provincial enactments, and in all there are Provincial duties levied. Sometimes, as in Nova Scotia, there are in consequence two distinct establishments for the two services; an Imperial and a Provincial Collector side by side at the same port. In other cases, the Collector for the Board of Customs, where there is

him, and never could have been carried by the Deputy Post-Master General alone.

At this moment the Colonial papers state that the greatest possible difficulty is experienced in Canada, in finding Post-Masters to serve the Country Offices; and it is apprehended that a large proportion of all the Offices will have to be shortly abandoned in consequence. The Department at home has just deprived the Post-Masters of the franking privilege, which was their principal remuneration: and without making any compensatory addition whatever to their other almost nominal emoluments. The privilege may have been a bad thing; but this summary way of dealing with it may prove a worse. No one knows what the Deputy Post-Master General may or may not be reporting to his Principal on the subject, nor what chance there is of any thing that he may report about it being attended to.—Such representations ought to be the business, not of a Post-Master General's dependent Deputy, but of the Provincial Government.

one, is placed in the strange situation of discharging both duties, and taking his instructions from both authorities, though neither has the means of knowing what the orders of the other are! Here, too, and wherever else in the usages of any particular Colony there may be any other like anomaly to be found, the principle must be carried out, to make the machine work as it ought. Let the Imperial authority exercise whatever amount of control may be really necessary for the general interest; but let the Governor of the Province be its one controlling agent. To have more, can never lead to anything but confusion, complaint, and mischief.

The correspondence of every Governor with Downing Street should of course remain as it is, in his own hands; the Officer whom he may specially charge with its superintendence, his own Secretary,—not any settled resident of the Province, nor even one of his responsible Provincial advisers. In this there is nothing whatever to prevent their views from being made known, as they ought to be, to the Home Government. A Governor will act most unwisely, if he either fails to communicate their views with his own, or keeps them otherwise than well-informed as to the tenor of his communications. It may, perhaps, not be amiss to have it understood that a particular class of dispatches is always open for their consideration and advice. But every Governor must feel that he is free to communicate his own personal impressions in the most perfect confidence, as well as theirs, and the Colonial Secretary must, besides, know that

he is so; or the Official correspondence will soon become a mere form, and its real business be done by unrecorded private letters, instead of by dispatches.

Another consequence of the system has been oftener dwelt upon, and from its exceedingly obvious character, need here be little more than mentioned. It is this; that as regards matters of a purely Provincial character, the rule of the Colonial Office ought to be that of absolute non-interference; and as regards matters which are half Provincial, or affect Imperial interests to no great degree, that of decided unwillingness to interfere. It should choose its Governors with care, and having chosen should trust them. As long as a Governor retains enough of the confidence of his Sovereign's Ministers to be kept in Office, he should be sustained. If not in their perfect confidence, he had better by half be recalled at once, than kept in place to be watched and doubted. No Colony respects or trusts a Governor who is not thought to be respected and trusted by the power that sends him. The true guardian for each Colony, of Imperial interests, is the Governor; the Officer sent out to the Colony, surrounded there by its leading public men as his advisers, and charged with the care of its administration, and no more; not the Colonial Minister, the Officer who can know little or nothing of the Colonies but through his several Governors, and has besides the affairs of all of them equally in his charge at once. Where his Governors go with the Provincial wish, the strong presumption is, that he may safely follow. When they feel it

incumbent on them to hold back, (and I have shown that it is by no means their business to play the part of ciphers,) he too may well pause to make sure whether they are right or wrong. If ever he comes to think them wrong, let him put them right, or if need be, recall them as promptly as he will; but till he does, let him sustain them thoroughly; let him set the Colonists the good example of always treating them as if he had a confident reliance in their being right.

These principles admitted, one more, in every respect equally important, follows. The policy of the Empire in reference to its Colonies, on matters involving decidedly Imperial interests, should be thoroughly Colonial. I do not mean by this, that Colonies should be favoured, right and left, with protecting duties at the cost of the British consumer, to build up new pet Colonial class-monopolies. The policy I advocate is perfectly compatible even with the *cautious* abolition of those that are already in existence. Create every facility for a steady well-ordered emigration, of the right kind, at once to swell their population and augment their capital and industrial resources generally. Confirm them in the priceless advantage of the financial security of British public credit; not simply by a guaranteed public loan for one or another, on some occasion of rare emergency, but by aiding at all times their efforts in these respects, to an extent short perhaps of the downright guaranty, but still calculated to advance their interests, and yet more, by requiring them in

their public financial projects and the character of their monetary institutions and bankrupt laws, to adhere to those sound principles of commercial honour which alone have made British credit what it is, and can make and keep theirs what it should be. Give them ungrudgingly as near an approach to the privilege of free trade with foreign countries as the nature of our commercial relations with those countries will allow. And maintain for them the very nearest possible approach to an absolutely free trade with the Mother Country and with one another; relaxing in their favour the protective regulations of our Tariff, as speedily as may be, whether we have or have not occasion to relax them in favour of foreign states; and insisting on it, that the duties which they may levy on our productions and each other's shall never be of a protective, but always of a strictly fiscal description. In a word, treat them in all these respects, as Sir Robert Peel has most wisely said they ought to be treated, as so many British Counties—so many integral portions of a vast Empire 'one and indivisible'. As far as possible give their professional men the 'open sesame' to professional life in the Mother Country, in exchange for like advantages to be enjoyed by our own in the Colonies. Few or no Provincials would ever avail themselves of the right; but the mere right all would value highly. Recruit for the Army and Navy in the Colonies as well as at home; and let the Horse-Guards and Admiralty put some measure, even though it be not a large one, of their patronage to

Colonial use. No great number of Colonists would be likely to sigh for musket, sword, or cutlass; but all would be proud to be in these respects on the full footing of the Metropolitan class. Make them, in one word, by the whole character of our policy, feel themselves to be less Colonists than British subjects. It is this large boon they want; not any of the mere petty, doubtful boons that the old policy, miscalled Colonial, doled out to them to be over-balanced tenfold by the restrictions which it put upon them. This policy announced and persevered in can leave them nothing to demand; must make them feel that they can but lose by change, instead of gaining. About our foreign policy, in the common acceptation of the term, they at present none of them care any thing; and so long as it shall continue to maintain the essentially pacific and commercial character which it has now so thoroughly established for itself, they are none of them likely to be in any hurry to concern themselves much about it.

Suppose now these great principles of action to be in good faith reduced to practice, where is the danger in it of the sacrifice of any Imperial interest on the one hand, or of Provincial disaffection or the loss of any of our Colonies, on the other? Take even the extreme case of a Colony where long perseverance in the opposite policy may have led to an unreasonable state of the public mind that is not at once satisfied with such an offer, what better course can be taken than to make it in all sincerity, and abide by its results? In any other case how can the policy

fail of producing and maintaining the most entire satisfaction? Admit that questions may come up from time to time between the Imperial Government and those who represent the views of particular Colonies. Their discussion, carried on confidentially, as in each case it would have to be, between the Colonial Secretary, the Governor, and his Provincial advisers, all of them parties interested in preventing it from making mischief, would be a vastly different affair from the angry collisions of the old system. And at the worst, there would be the threat of separation as a last weapon—no longer in the hands of a complaining Colony, to be used with doubtful effect, but in those of the Parent State, where the power to use it could not possibly be questioned.

The conclusion I have, I trust, established may be summed up in few words. It is not by unworthy distrust, by hesitating as to the loyalty or looking with an eye of suspicion on the rapid growth of Colonies, that the term of their colonial existence is to be prolonged. To keep their people loyal, they must be confided in, their interests advanced, their feelings consulted, their judgment convinced of the fact that their political position is so advantageous to themselves that all change must be for the worse. The jealous policy against which I have protested tends, besides, as little to make Colonies valuable for the time being to the Parent State, as it does to make their connexion lasting. Colonies are of value simply because they enlarge the productive territory of the nation that plants them; thus adding directly

to the means of support at its command, and opening a wider field for its energies, as well by the advantages they hold out to the settlers who resort to them, as by the markets they create for the various industrial products which the manufacturing and commercial capacities of the old country furnish. In no other way can any colony add to the resources of a State. The barren right to rule it is worth nothing. Keep it in what one may call its infant state, and just so long is it kept a drain on the resources of the country that maintains it. It is when it has passed the stage of mere dependence, and begins to grow rich and populous, that it begins to be worth having. Its worth is in strict proportion to its means of contributing to the general weal: and he who, to lessen as he may think the chances of its being soon lost, would in any way check its progress, has hit upon the one sure way of making its early loss likely and perhaps desirable.

If these views are not wholly wrong, it is no less obvious that a country in the peculiar condition of Great Britain should not only extend her colonial possessions as widely as she can in new directions, but should look well to her old settlements, doing all she may to increase their resources, and at the same time to attach them to herself. The small extent of her proper territory, her redundant population and her overflowing wealth, all point to colonization as the means by which alone she can do anything really effectual to increase her present power, or even to escape the threatened alternative

of national decline, and eventual downfall. The millions clamor for cheaper bread and higher wages. The wealthier few (those alone excepted, whose wealth is enormous) sigh for higher profits. How are they all to have their wish? Do we become apostles of free trade? Other nations do not become its disciples fast enough to meet, or make show of meeting, our pressing necessities. For the relief we need, we must look to what we can do for ourselves, not to anything we can preach them into doing for us. The wants of our poor and of our rich resolve themselves at last into one and the same thing—*more land*,—land, which in the first place may furnish them directly or indirectly with more food, or in other words cheaper food, than they can get now, and with a more abundant or cheaper supply of raw material for their manufactories,—and which in the second place, from the abundant return it shall yield to the industry of those who till it, may become the home of new millions to be purchasers of the goods they have to exchange for that food and raw material which they cannot raise fast enough at home. Supply this want, and all else must follow. The profits of the rich man and the wages of the labourer must rise together, under the influence of a cause that would meanwhile be bringing raw material in greater plenty to the one and bread in greater plenty to the other. The population of the country must increase and its aggregate wealth multiply, so much the faster for the process of dispersion which would be carrying off men and money, useless at home, or worse, to new

scenes of productive employment. We are doing much to this end. In every quarter of the world we have colonies, already; and the inherent enterprise of our people, the world over, is busy founding new ones. So be it. We run no risk of having too many. Some risk there may be of our perhaps acting as though we thought new Colonies all we want; of the great truth being practically overlooked, that new Colonies before they can be of any essential use must have become old, in resources if not in years; that old Colonies have acquired a value, and should be prized and dealt with accordingly; that the oldest, *cæteris paribus*, must ever be the best worth keeping carefully.

True it is, that the wide Continents we are colonizing promise at some distant day to maintain communities too powerful for the precise colonial relation, even as I have been describing it, to continue for ever to subsist between them and the people of these Islands. But that period is distant, though inevitable. All we can certainly know is that it will come; that at some future time our Colonies, powerful as the Parent State or more so, must either, thanks to mismanagement, have become independent states more likely to be its enemies than its hearty friends, or else, through a wise foresight, have been kept closely bound to it,—confederacy, in some shape, by degrees taking the place of the old bond of union,—the British nation continuing still united, so far as perpetual peace, mutual good understanding, freedom of commerce, and identity of foreign policy, can unite

it,—these Islands still its Metropolis, though their people be no longer the admitted holders of its whole Imperial power. All we can do is to take care of the present and near future. The future that is far off will take good care of itself. For this age and the next it is enough to know that Colonies, built up by our own people, and gifted with our own free institutions, must be bound, alike by the natural feelings and the commercial wants of their people, to ourselves and our policy, no less than to our trade ; that neither the one tie nor the other need we, nor yet if we are wise shall we, ever let go or loosen.